

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
 AMENDMENTS TO 35 ILL. ADM.)
 CODE PART 223 STANDARDS AND) **R12 - 8**
 LIMITATIONS FOR ORGANIC) **(Rulemaking – Air)**
 MATERIAL EMISSIONS FOR AREA)
 SOURCES)
)

NOTICE

TO:

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PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the PREFILED TESTIMONY OF RORY DAVIS of the Illinois Environmental Protection Agency a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Charles E. Matoesian
Charles E. Matoesian
Assistant Counsel
Division of Legal Counsel

DATED: September 22, 2011
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**THIS FILING IS SUBMITTED
ON RECYCLED PAPER**

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TESTIMONY OF RORY DAVIS

My name is Rory Davis. I am an Environmental Protection Engineer in the Air Quality Planning Section, Air Pollution Control Division of the Illinois Environmental Protection Agency's ("Illinois EPA") Bureau of Air. I have been employed by Illinois EPA in the Air Quality Planning Section for five years. Prior to that, I worked at the Illinois Department of Transportation for four years as an Engineering Technician. I have a Bachelor of Science degree in Computational Physics, as well as a Bachelor of Science degree in Mathematics from Illinois State University. I also have a Masters degree in Engineering from the University of Illinois at Chicago. My graduate studies consisted of an interdisciplinary program involving coursework from the Chemical Engineering and Mechanical Engineering fields with a concentration on Environmental Engineering. In my current position with Illinois EPA my duties include providing technical support for regulatory proposals. I will be providing testimony regarding the proposed amendments to 35 IAC PART 223 regulating consumer and commercial products.

Proposed Amendments to Part 223

The Illinois EPA has proposed a number of amendments to 35 IAC Part 223, and specifically amendments to sections regulating consumer products. These amendments are intended to bring Illinois consumer products regulations in line with similar regulations in the Ozone Transport Commission ("OTC") states and a number of other states that have adopted the VOM limitations found in the 2006 OTC Model Rule for Consumer Products.

The bulk of the proposed amendments to Part 223 involve the addition of 12 additional consumer product categories that include: adhesive removers, contact adhesives, non-aerosol antistatic products, electrical cleaners, electronic cleaners, engine degreasers, fabric refreshers, footwear or leather care products, graffiti removers, hair styling products, shaving gels, and wood cleaners.

Illinois has proposed these additional categories for regulation in order to reduce VOM emissions from these consumer product categories in Illinois, and in order to keep Illinois regulations regarding consumer products consistent with a large portion of the United States that also regulates these products. Regulating agencies and the regulated community are in agreement that consistency of regulations regarding consumer products is beneficial to ensure that uniform products can be sold and used in regions with similar limits, and to reduce the cost to industry of implementing rules by limiting the cost of reformulation, packaging, and shipping.

In drafting the proposed amendments Illinois EPA has relied mainly upon research conducted by the California Air Resources Board ("CARB") in support of California's consumer product regulations.

Background

In 2007, Illinois EPA proposed amendments to Part 223 that set limits for the VOM content of various consumer products that were consistent with limits set for these product categories in California and the OTC states. The limits proposed were consistent with those in the 2006 OTC Model Rule for Consumer Products that were in turn based on the consumer product VOM limits in the California's Midterm Measures II rules and their 2004 amendments to those rules. While the majority of the limits proposed were adopted by the Illinois Pollution Control Board, and were effective as of July 1, 2009, a number of categories were excluded by the Board due to a lack of technical support for those limits. The categories excluded at that time were those that were proposed by California in its 2004 Amendments and incorporated into the 2006 OTC Model Rule. In this rulemaking, Illinois EPA is proposing amendments that would include these limits in Part 223 as previously proposed, excepting the previously proposed limits for toilet/urinal care products and solid/gel room air fresheners. The Illinois EPA, in its technical support document and referenced documents therein, has provided detailed technical support for

the additional consumer product categories and the associated VOM limits for those categories in the proposed amendments.

Reduction of VOM in Illinois Due to Proposed Amendments

Illinois EPA has estimated that VOM emissions in Illinois may be reduced by approximately one ton per day due to the proposed amendments and additional regulated categories. As stated in the Technical Support Document, it is likely that this is an overestimate because a number of products manufactured by national and regional companies will have already been reformulated to comply with the limits identical to those that Illinois has proposed that are in effect in other regions.

Proposed Amendments are Technically Feasible

Illinois EPA is confident that the proposed amendments are technically feasible because in all categories there are compliant products that have been in use for a number of years in regions that have limits identical to those proposed for Illinois.

Proposed Amendments are Economically Reasonable

Illinois EPA is also confident that the proposed amendments are economically reasonable, again, because there are compliant products that have been in use for a number of years in regions that have limits identical to those proposed for Illinois. Additionally, Illinois EPA has relied upon the aforementioned CARB research to estimate that the proposed amendments could have a cost to industry that ranges between \$4,020 and \$4,680 per ton of VOM reduced. However, as is the case with estimates of emission reduction, these are likely overestimates. Economic research conducted by CARB included costs of researching compliant formulations of products, reformulating the products, repackaging, and relabeling. In a great number of cases these costs have already been incurred by industry in order to comply with the identical limits in California, the OTC states, and a number of other states.

Summary of Testimony

In summary, the proposed amendments for consumer products are economically reasonable and cost effective measures for reducing VOM emissions from the affected source categories on a

statewide basis. The product VOM limits in the rule are also technically feasible, and have been achieved where the aforementioned OTC and CARB rules are in effect. While estimates for reductions from these categories may have already been partially achieved, a great majority of the cost has also already been incurred, and these amendments will serve to make Illinois regulation of these categories more uniform with similar regulations nationwide.

STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served electronically the attached, PREFILED TESTIMONY OF RORY DAVIS upon the following persons:

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/s/ Charles E. Matoesian
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