

ILLINOIS POLLUTION CONTROL BOARD

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IN THE MATTER OF:

) JUN 12 2013

VAPOR RECOVERY RULES:

) STATE OF ILLINOIS
Pollution Control Board

AMENDMENTS TO 35 ILL. ADM. CODE

) (Rulemaking-
Air)

PARTS 201, 218 and 219

REPORT OF THE PROCEEDINGS held in the above entitled cause before Hearing Officer Richard McGill, called by the Illinois Pollution Control Board, taken by Steven Brickey, CSR, for the State of Illinois, 160 North LaSalle Street, Chicago, Illinois, on the 5th day of June, 2013, commencing at the hour of 1:00 p.m.

A P P E A R A N C E S

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MR. RICHARD MCGILL, Hearing Officer
MS. DEANNA GLOSSER
MS. CARRIE ZALEWSKI
MR. THOMAS JOHNSON
MS. JENNIFER BURKE
MS. ALISA LIU
MR. JERRY O'LEARY
MR. THOMAS HOLBROOK

ALSO PRESENT: MR. KENT E. MOHR, JR.
MR. DARWIN J. BURKHART
MR. CHUCK GEBHARDT
MR. JERRY CLARK
MR. ROSS COOPER
MR. MIKE ROGERS
MR. JEFF DZIERZANOWSKI

REPORTED BY:
Steven J. Brickey, CSR
CSR License No. 084-004675

1 MR. MCGILL: Good afternoon. I'd
2 like to welcome everyone to this Illinois
3 Pollution Control Board hearing. My name is
4 Richard McGill and I'm the Hearing Officer
5 assigned to this rulemaking which has been
6 docketed R13-18 and captioned Vapor Recovery
7 Rules: Amendments to 35 Ill. Adm. Code Parts 201,
8 218 and 219.

9 By way of brief background, on
10 March 18th, 2013, the Illinois Environmental
11 Protection Agency filed this rulemaking proposal
12 which includes the phaseout of Stage II vapor
13 recovery systems at gasoline dispensing operations
14 in the Chicago ozone non-attainment area.

15 The first notice publication of
16 the proposed rules appeared in the Illinois
17 Register on May 10, 2013. Today is the second
18 hearing in this rulemaking. Our first hearing was
19 held in Springfield on May 8th, 2013. No
20 additional hearings are scheduled. The purpose of
21 these hearings is to receive testimony and other
22 evidence on the merits and economic impact of the
23 proposed rule amendments.

24 Also present today on behalf of

1 the Board is Board Member Jerry O'Leary, who is
2 the lead Board Member for this rulemaking; Board
3 Chairman Tom Holbrook, Board Member Carrie
4 Zalewski; Board Member Deanna Glosser, the Board's
5 Executive Director Tom Johnson and from the
6 Board's technical unit Alisa Liu.

7 I would also like to point out
8 in attendance today is Mark Powell, senior
9 attorney at the Board. Mark, if you would just
10 indicate where you are. Thank you. My oversight.
11 My apologies. Board Member Burke is in attendance
12 as well. Also here in the audience and interning
13 at the Board this summer Erik Sirk, if you can
14 just give us a waive. Thank you. He will be
15 entering his third year at Kent Law School and
16 Greg Sussman, if you can waive, thank you, he will
17 also be entering his third year at Kent. Any
18 other interns I've missed? Okay. Thank you.

19 In an effort to make today's
20 hearing as efficient as possible, I issued a
21 Hearing Officer order that directed the pre-filing
22 of testimony. On May 28th, 2013, IEPA timely
23 filed its pre-filed testimony. No other
24 participants pre-filed testimony for today's

1 hearing. I issued another Hearing Officer order
2 on Friday of last week posing Board questions for
3 IEPA's witnesses. Those questions will be taken
4 up today.

5 We will begin this hearing with
6 some remarks from IEPA's counsel, that will be
7 followed by entering IEPA's pre-filed testimony
8 into the record as if read as well as designating
9 hearing exhibits. That will be followed by
10 questions for IEPA's witnesses who will be
11 responding as a panel.

12 For each Board question from the
13 May 31, 2013, Hearing Officer order, we will first
14 read the question aloud for the benefit of the
15 hearing transcript and any other participants
16 present. Anyone, however, may ask questions of
17 IEPA's witnesses and any participant present in
18 the audience will be given the first opportunity
19 to pose questions.

20 After the testimony of and
21 questions for IEPA's witnesses, we will allow
22 anyone else to testify. At the conclusion of
23 today's hearing, we will establish the deadline
24 for filing public comments. Today's proceeding is

1 governed by the Board's procedural rules. All
2 information that is relevant and not repetitious
3 or privileged will be admitted into the record.

4 Questions posed by Board members
5 or staff are designed to help develop a completed
6 record for the Board's decision and do not reflect
7 any bias or prejudgment of the issues. Persons
8 who testify will be sworn in and may be asked
9 questions about their testimony. For those who
10 wish to testify, but who did not pre-file
11 testimony we have a witness signup sheet located
12 near the entrance to the room.

13 For the court reporter
14 transcribing this proceeding, I would ask that you
15 please speak up and do not speak too quickly or
16 talk over one another. This will allow the Board
17 to have a clearer transcript for consideration.
18 Also as this rulemaking proposal has many
19 acronyms, I would ask that you please state the
20 full term once before using the acronym.

21 Are there any questions about
22 the procedures we'll follow today? Seeing none,
23 I'm going to turn it over to IEPA's counsel Kent
24 Mohr.

1 MR. MOHR: Good afternoon. My name
2 is Kent Mohr. I'm assistant counsel for the
3 Illinois EPA. On behalf of the agency, we
4 appreciate the opportunity to be here and we
5 appreciate the Board's willingness to expedite
6 this proceeding. I want to go over a few
7 housekeeping matters just to make sure we have an
8 accurate record and an accurate rule.

9 The first housekeeping matter
10 pertains to the Board's staff questions from May
11 6th of 2013. Question number two under Part 201
12 referenced a section of the Illinois
13 Administrative Code Section 201.210(a)(1), that's
14 little A. We believe that reference was or should
15 actually be to Section 201.210(a)(10)(A). The
16 first A is lower case and the second A is
17 capitalized. That doesn't change the agency's
18 answer to that question, but just for the purposes
19 of an accurate record we wanted to bring that up.

20 The second housekeeping matter
21 pertains to JCAR's version of the proposed
22 amendments, which was filed in the Illinois
23 Register. There are numerous errors and/or
24 changes in each part that were not in the agency's

1 proposal and I'd like to go over what those are at
2 this time.

3 The first part I'm going to go
4 over is Part 201 and in JCAR's first notice
5 version at Section 201.146 and this begins at Line
6 354 Subsection KK what has happened is the
7 subsection starting KK through the end of that
8 section has been crossed out and renumbered. The
9 agency objects to that change for one very
10 important reason. In permits, we reference the
11 subsection and if you change the numbering we're
12 going to have a lot of confusion for affected
13 sources as to what exemption may be referenced in
14 their permit.

15 So we would ask that those
16 subsections not be renumbered and you can in terms
17 of KK being struck -- or stricken from the
18 proposal you can simply keep that and let that
19 remain although strike out the language so you can
20 maintain that subsection as we proposed in our
21 filing.

22 MR. MCGILL: I'm just going to
23 interrupt for one moment that the JCAR version of
24 the proposal you're mentioning has been filed in

1 the Board's R13-18 docket. So if you're reading
2 along in this transcript ultimately, if you have
3 the JCAR version which is available through our
4 clerk's office online, this will be a lot more
5 coherent.

6 MR. MOHR: The other matter is Part
7 201 is beginning on Line 685 and that is to
8 Section 201.210(a)(19) at Line 685 the term
9 subsections should be subsection. Singular, not
10 plural. The next line, Line 686, has the term
11 including, which should be including. Those are
12 all the issues with JCAR's Part 201 version.

13 Onto Part 218 at Section 218.586
14 beginning on Line 776 the agency's proposal struck
15 the following words "or a modification of ASTM
16 D323 known as the dry method as set forth in 40
17 CFR 80 Appendix E." That language has not been
18 struck in JCAR's first notice proposal. Then in
19 Line 778 the term references should be reference.
20 Singular, not plural. Also in Line 776, ASTM D323
21 should be ASTM D323-08 and you can reference the
22 agency's filing which contains the proper
23 language.

24 At Section 218.586(g)(3) Line

1 375 the language that JCAR puts in reads at a and
2 then they struck of the gasoline dispensing
3 operation. That is a substantive change from the
4 agency's proposal. The agency's proposal was --
5 had read a gasoline dispensing operation. Not at
6 a gasoline dispensing operation. So they have
7 substantively changed the meaning of that
8 subsection. It's an unnecessary change and we
9 would request that the language read as we had
10 filed it.

11 Section 218.586(i)(2)(B) at Line
12 967 the language reads at vehicle-fueling sites,
13 close quote, period. That differs from the
14 agency's filing in the language which read at
15 vehicle-fueling sites PEI/RP 300-09 "PEI", comma,
16 incorporated by reference at Section 218.112 of
17 this part, period. So we would request that the
18 language reflect as it does in the agency's
19 filing.

20 Onto Part 219 for the last
21 housekeeping issue. Section 219.105(c)(1)(B) item
22 number 2 it appears that JCAR has struck item
23 number 3, 3 in terms of little i. That should not
24 be struck. It wasn't something that the agency

1 nas proposed to change, but we noticed that for
2 some reason item number 3 has been struck and
3 should not be. Those are all the house
4 housekeeping issues that we have.

5 MR. MCGILL: Thank you. And I had
6 neglected to point out that JCAR is the Joint
7 Committee on Administrative Rules. I'm not sure
8 if we had mentioned that or not. Thank you.

9 Absent any objection, the
10 pre-filed testimony of IEPA will be entered into
11 the record as if read as provided in my May 17,
12 2013, Hearing Officer order. We received
13 pre-filed testimony from two witnesses.

14 First, is there any objection to
15 entering as if read the pre-filed testimony of
16 Darwin Burkhardt? Seeing none, it is so entered.

17 Second, is there any objection
18 to entering if read the pre-filed testimony of
19 Chuck Gebhardt? Seeing none, it is so entered.

20 I will now take up designating
21 IEPA's pre-filed testimony as hearing exhibits for
22 these later citations. First, is there any
23 objection to designating as a hearing exhibit the
24 pre-filed testimony of Darwin Burkhardt? Seeing

1 none, that is Hearing Exhibit 4.

2 (Document marked as Hearing
3 Exhibit No. 4 for
4 identification.)

5 MR. MCGILL: Second, is there any
6 objection to designating as a hearing exhibit the
7 pre-filed testimony of Chuck Gebhardt? Seeing
8 none, that is Hearing Exhibit 5.

9 (Document marked as Hearing
10 Exhibit No. 5 for
11 identification.)

12 MR. MCGILL: I would ask Mr. Mohr
13 to -- if you would introduce IEPA's witnesses and
14 then we'll swear them in collectively.

15 MR. MOHR: Sure. Seated to my
16 immediate left is Mr. Darwin Burkhart, Manager of
17 the Clean Air Programs, Division of Mobile Source
18 Programs at the Illinois EPA. Seated to my
19 immediate right is Mr. Chuck Gebhardt, who is the
20 Manager of the Technical Services Section of the
21 Division of Mobile Source Programs at the Illinois
22 EPA.

23 Seated to Mr. Burkhart's left is
24 Mr. Jerry Clark with the Clean Air Programs of the

1 Division of Mobile Source Programs at the Illinois
2 EPA. Seated to Mr. Gebhardt's right is Mr. Ross
3 Cooper who is a Permit Engineer with the Permit
4 Section of the Division of Air Pollution Control
5 at the Illinois EPA and seated to Mr. Cooper's
6 right is Mr. Mike Rogers who is with the Technical
7 Services Section of the Division of Mobile Source
8 Programs.

9 I'd like to ask that we have
10 these witnesses sworn in and be available to
11 answer questions of the Board.

12 MR. MCGILL: Great. Thank you.
13 Court Reporter, go ahead and swear in the
14 witnesses.

15 WHEREUPON:

16 CHUCK GEBHARDT, DARWIN BURKHART, JERRY CLARK, ROSS

17 COOPER and MIKE ROGERS

18 called as witnesses herein, having been first duly
19 sworn, depose and saith as follows:

20 MR. MCGILL: Before the Board
21 proceeds with its questions for IEPA's witnesses,
22 I want to open it up to the audience to see if
23 anyone else has any questions at this time for any
24 IEPA witness? Seeing none, we'll move onto the

1 Board's questions.

2 These questions were an
3 attachment to the May 31, 2013, Hearing Officer
4 order. The first section of questions concerns
5 IEPA forms.

6 Question one. IEPA's draft form
7 entitled "Notice of Intent to Decommission Stage
8 II Vapor Recovery Equipment" (Notice of Intent) is
9 provided as Exhibit 1 to Darwin Burkhart's
10 pre-filed testimony.

11 This is Question 1A. The top of
12 page 1 of the Notice of Intent calls for the form
13 to be "submitted to the Illinois EPA at least ten
14 days prior to commencing Stage II
15 decommissioning." This language is nearly
16 identical to the rule language of proposed Section
17 218.586(i)(2)(A). In EPA's view, will an owner or
18 operator comply with the rule by simply sending
19 the completed Notice of Intent to IEPA, for
20 example, placing in US Mail with sufficient
21 postage at least ten days in advance or must IEPA
22 have received the completed form at least ten days
23 in advance?

24 MR. MOHR: Mr. Burkhart?

1 MR. BURKHART: The word submitted on
2 the draft form is used for consistency in the rule
3 as you pointed out. It is used throughout the
4 rule. In the context of the question, it can be
5 postmarked, it can be e-mailed, it can be hand
6 delivered. So we do not necessarily have to have
7 it in our possession at least ten days prior. It
8 can be just simply submitted through electronic
9 conventional means to us.

10 MR. MCGILL: Okay. So US Mail,
11 postmark or a Fed Ex on that tenth day even if it
12 arrives at the agency, say, on the ninth day or
13 sixth day --

14 MR. BURKHART: Correct.

15 MR. MCGILL: -- would be compliant?

16 MR. BURKHART: Correct.

17 MR. MCGILL: Question 1B. The first
18 box to complete on the Notice of Intent calls for
19 the "Proposed date of decommissioning" with space
20 provided for month, day and year. As
21 decommissioning may take more than one day to
22 perform, should the form ask for the proposed date
23 on which decommissioning will commence or the
24 proposed dates on which decommissioning will be

1 performed?

2 MR. MOHR: Mr. Burkhart?

3 MR. BURKHART: With that question,
4 we will add an apostrophe S to the word date on
5 the form. So we do anticipate for most gasoline
6 stations during decommissioning that we have been
7 told by several of the vendors or contractors we
8 have met with for most stations they can probably
9 get the work done in the same day.

10 However, if it does occur that
11 it has to go into a second day that we will -- you
12 know, we need to accommodate that on the form
13 itself. So for that reason as you pointed out we
14 will add an apostrophe S onto the form. I'm
15 sorry. Parenthesis S on the form.

16 MR. MCGILL: So you'll be looking
17 for the -- if it's over multiple days, multiple
18 dates on which it will be performed?

19 MR. BURKHART: That would be yes.
20 That would be their projection of -- on that
21 Notice of Intent, their projection if it is going
22 to be a one-day or a two-day job.

23 MR. MCGILL: Okay.

24 MR. BURKHART: It will accommodate

1 that.

2 MR. MCGILL: Great. Thank you.

3 Okay. We're going to move onto question two.

4 Just for clarity I think the draft form may not
5 have had a fax number or mailing address or some
6 place to actually send the form. Is it correct
7 that the final form will have that essential
8 information?

9 MR. BURKHART: Correct. That, as
10 well as an e-mail address, yes.

11 MR. MCGILL: Terrific. Thank you.
12 Now, to move onto question two from the Hearing
13 Officer order.

14 MS. LIU: Good afternoon. I'll
15 sound like a parrot. Here we go. IEPA's draft
16 form entitled "Stage II Decommissioning Checklist"
17 is provided as Exhibit 2 to Mr. Burkhart's
18 pre-filed testimony. A, the top of page one of
19 the checklist calls for the form to be "submitted
20 to the Illinois EPA within 30 days after the
21 completion of decommissioning." This language is
22 similar to the rule language of proposed Section
23 218.586(i)(2)(C) "Within 30 days after completion
24 of decommissioning, the owner or operator shall

1 provide the completed checklist to the agency."

2 In IEPA's view, will an owner or
3 operator comply with the rule by simply sending
4 the completed checklist to IEPA, for example,
5 placing in US Mail with sufficient postage within
6 30 days after completing decommissioning or must
7 IEPA have received the completed form within the
8 30 days?

9 MR. BURKHART: That would be the
10 same answer as the 1A as it can be postmarked or
11 e-mailed as well.

12 MS. LIU: Or faxed?

13 MR. BURKHART: Or faxed, yes.

14 MS. LIU: Do you do text? The first
15 box to complete on the checklist calls for the
16 "Date of decommissioning Stage II equipment with a
17 space for month, day and year provided." As
18 decommissioning may take more than one day to
19 perform, should the form ask for the date on which
20 decommissioning was completed or the dates on
21 which decommissioning was performed?

22 MR. BURKHART: And that would be the
23 same answer as to 1B. So we will certainly add a
24 parenthesis S after the word date on the form to

1 accommodate that.

2 MS. LIU: Thank you.

3 MR. MCGILL: Any other questions
4 related to IEPA's forms? Seeing none, we're going
5 to move onto a few questions concerning the
6 agency's technical support document. This is
7 specifically with regard to Chuck Gebhardt's
8 pre-filed testimony.

9 MR. O'LEARY: On pages 4 and 5 of
10 Mr. Gebhardt's testimony in response to questions
11 about the Technical Support Document (TSD)
12 referring to the "2014 cross-over point" (TSD at
13 8, 9), Mr. Gebhardt states that IEPA "modeled
14 July" and that the 0.07 ton per day difference is
15 "for July 2014." Please explain IEPA's reasoning
16 for selecting January 1, 2014, to initiate the
17 Stage II phaseout rather than July 1, 2014.

18 MR. MOHR: Mr. Burkhart will be
19 answering this question since this is his rule and
20 it was his decision.

21 MR. BURKHART: The modeling was done
22 in the mid point of calendar year's 2013 and
23 calendar year's 2014. What the modeling showed is
24 that in July of 2013 the Stage II program provides

1 an environmental or emission reduction benefit.

2 In July of 2014 calendar year,
3 there was a dis-benefit of the Stage II program.
4 We selected January 1, 2014, as the midpoint of
5 those two dates. I do want to emphasize that the
6 date -- the actual date itself within one of the
7 calendar years or either calendar year is not
8 necessarily as important as if we had just turned
9 off the program. We're not asking gasoline
10 dispensing facilities on January 1 that everyone
11 pull the plug or cutoff electricity for Stage II
12 equipment. They have to continue operating that
13 equipment until the date that they arrange for a
14 contractor to come in and decommission their
15 equipment.

16 So this is certainly a phaseout
17 over a three-year time period for the gas stations
18 to do the actual activity of decommissioning.

19 MR. O'LEARY: Next question. On
20 page 5 of Mr. Gebhardt's pre-filed testimony,
21 Mr. Gebhardt states that IEPA believes refueling
22 emissions would decrease over time even with ORVR
23 plus Stage II locations "because newer vehicles
24 with better gas mileage are replacing older

1 vehicles with poor mileage." Does the better gas
2 mileage result in reduced refueling emissions
3 because less time is spent filling up at the pump
4 and less fuel is dispensed?

5 MR. MOHR: Mr. Gebhardt?

6 MR. GEBHARDT: Yes. As newer
7 vehicles come out into the fleet, they -- the
8 higher gas mileage they wouldn't be required to
9 refuel as many times as the older vehicles.

10 MS. LIU: I do have an additional
11 question for Mr. Gebhardt. In our previous
12 Hearing Officer order from May 6th, we asked a
13 question about providing a written summary of the
14 input and output data that was used in the MOVES
15 model, you had provided it to us in the MySQL
16 format and you replied in your pre-filed testimony
17 for today's hearing that providing a summary of
18 that data just wouldn't be very feasible. I was
19 wondering if you could elaborate on why not.

20 MR. GEBHARDT: The MOVES model when
21 it's complete it runs -- it breaks the information
22 down into large amounts of data individually and
23 combing through all that data and summarizing it
24 can be difficult.

1 MS. LIU: If you were able to
2 provide it in a different format, in a Microsoft
3 Excel format, would that be something you would be
4 able to do or is that too big of a task?

5 MR. GEBHARDT: No. It's not
6 feasible to export that into Excel, Microsoft
7 Excel's format. The reason is the MySQL format is
8 the standard form used that we provide to the US
9 EPA.

10 MR. MCGILL: I'll just -- to spell
11 out another acronym that I'm not sure we
12 explained, ORVR is On Board Refueling Vapor
13 Recovery. Any other questions at this time
14 regarding the technical support document? Seeing
15 none, the last few questions in the Hearing
16 Officer order under the heading miscellaneous.

17 Question one. If a company owns
18 used Stage II vapor recovery equipment and opens
19 in the Chicago non-attainment area, a "new
20 gasoline dispensing operation that commences
21 operating for the first time on or after January
22 1, 2014," might the company have any economic
23 incentive to make use of its used Stage II
24 equipment at the new operation? And this is a

1 reference to proposed -- the quoted language is
2 from proposed Section 218.586(d)(2).

3 MR. MOHR: Mr. Burkhart?

4 MR. BURKHART: The answer to that
5 question is no. There would be no economic
6 incentive to do that. We actually have -- we did
7 not foresee or have -- we would not know why a new
8 station would choose to equip its dispensers with
9 Stage II equipment if they do not have to do so
10 after that date.

11 MR. MCGILL: Well, these next
12 sub-questions may have very short answers then,
13 but I'll ask them just to complete the record.

14 Question 1A. If the new
15 operations did make use of used Stage II vapor
16 recovery equipment, would the proposed rules
17 require decommissioning of the Stage II equipment?
18 And this is, again, reference to 218.586(i).

19 MR. MOHR: Mr. Burkhart?

20 MR. BURKHART: And the answer to
21 that question is no. We see this as a very
22 unlikely scenario.

23 MR. MCGILL: Question B. Should,
24 quote, any new gasoline dispensing operation that

1 commences operating for the first time on or after
2 January 1, 2014, end quote, be prohibited from
3 using Stage II vapor recovery equipment?

4 MR. MOHR: Mr. Burkhart?

5 MR. BURKHART: They are currently
6 not prohibited, however, they could be, but we
7 don't -- once again, we don't see that as a likely
8 scenario happening.

9 MS. LIU: Question two. Would you
10 please provide references to programs for
11 contractors to obtain "dispenser-manufacturer
12 certifications and training," as this language is
13 used in proposed Section 218.586(i)(2)(i)?

14 MR. MOHR: Mr. Burkhart?

15 MR. BURKHART: Yes. After we were
16 presented that question, we followed up once again
17 with our colleagues at the Office of the State
18 Fire Marshall's Office and the Illinois Department
19 of Agriculture who is in the room with us today to
20 basically gather information specifically on, you
21 know, the references or the training manuals or
22 website links that the various dispenser
23 manufacturers might employ to train and certify
24 the technicians that work on their dispensers so

1 that the technicians are certified by that company
2 and they provided us some website links that we
3 went to where the training information is located
4 at and I might add that there are two primary
5 dispenser manufacturers in the industry. The two
6 primary ones are Gilbarco and Wayne and those are
7 two of the links that are being provided by
8 Mr. Mohr.

9 MR. MOHR: At this time, I would
10 move to have this entered as Exhibit 6 into the
11 record.

12 MR. MCGILL: Any objection to having
13 these links Select Gasoline Dispenser Training and
14 Certification Courses designated as a hearing
15 exhibit? Seeing none, that will be Hearing
16 Exhibit 6.

17 (Document marked as Hearing
18 Exhibit No. 6 for
19 identification.)

20 MR. MCGILL: So I'll open it up to
21 the audience. Any questions for any of IEPA's
22 witnesses? Seeing none, I see no further Board
23 questions. At this time, I'd like to thank the
24 agency for their participation today. Why don't

1 we go off the record for a moment.

2 (Whereupon, a break was taken
3 after which the following
4 proceedings were had.)

5 MR. MCGILL: For the record, I will
6 note that no one has signed up to testify today,
7 but I'll ask one last time does anyone in
8 attendance care to testify today?

9 MR. DZIERZANOWSKI: Can I just make
10 one comment?

11 MR. MCGILL: I'm sorry?

12 MR. DZIERZANOWSKI: Can I just make
13 one comment?

14 MR. MCGILL: Sure. Would you mind
15 being sworn in?

16 MR. DZIERZANOWSKI: Sure.

17 MR. MCGILL: Just so we can hear you
18 better, would you mind coming up to the front and
19 you can take that end chair if you like or --
20 okay. If you would just give your name and who
21 you represent here today and we'll swear you in.

22 MR. DZIERZANOWSKI: My name is Jeff
23 Dzierzanowski with Source North America
24 Corporation.

1 WHEREUPON:

2 JEFF DZIERZANOWSKI

3 called as a witness herein, having been first duly
4 sworn, deposeth and saith as follows:

5 MR. DZIERZANOWSKI: I just wanted to
6 thank -- as a state citizen, I wanted to thank the
7 IEPA for allowing us to be part of the process.
8 Being from the side of being involved with this, I
9 deal with a lot of states that deal with the
10 federal government. It is a great thing and it
11 was reassuring and refreshing to be able to sit
12 down with you guys and you respected our opinion
13 and thought process on doing this whole thing and
14 it greatly impacts our control community, both the
15 marketers and the contractors. So it's just the
16 point of saying thank you to be part of my state
17 in doing this process. Thank you.

18 MR. MCGILL: Would you mind
19 answering a question or two?

20 MR. DZIERZANOWSKI: Sure.

21 MR. MCGILL: Could you tell us the
22 entity you mentioned what do they do?

23 MR. DZIERZANOWSKI: My company is a
24 petroleum equipment distributor. We are the

1 largest petroleum equipment distributor in the
2 country and we work with contractors of oil
3 companies.

4 THE COURT REPORTER: I'm sorry. Can
5 you slow down and speak up?

6 MR. DZIERZANOWSKI: We're the
7 largest petroleum equipment distributor in the
8 country. We work with the contractors as well as
9 the marketers that are doing this. I, myself,
10 personally am involved on the legislative end
11 compatibility issues, equipment specialties. So I
12 was involved also in doing this process in other
13 states as well actually.

14 MR. MCGILL: So you were part of
15 IEPA's outreach before the rulemaking was
16 proposed?

17 MR. DZIERZANOWSKI: Yes.

18 MR. BURKHART: I'd like to add the
19 State Fire Marshall's Office and the Department of
20 Agriculture were a part of the team as well that
21 he just referenced.

22 MR. MCGILL: I think I recognized
23 some faces from Springfield. Those two agencies
24 provided testimony there and it's much

1 appreciated. Any other questions? Any other
2 questions of this witness? Seeing none, thank you
3 for participating.

4 MR. DZIERZANOWSKI: Thank you very
5 much.

6 MR. MCGILL: I see no one else is
7 interested in testifying. I'm just going to move
8 onto a few procedural items before we adjourn
9 today. We should have the transcript of today's
10 hearing posted to the Board's website by no later
11 than June 17th. The deadline for filing comments
12 with the Board is July 8th. This will accommodate
13 the 45-day public comment period requirement of
14 the Administrative Procedure Act and give people
15 about three weeks with today's hearing transcript.
16 Although I expect possibly the hearing transcript
17 will be posted even sooner.

18 The mailbox rule does not apply
19 to the filing of public comments, which means the
20 clerk's office must receive the public comment by
21 4:30 p.m. on Monday, July 8th.

22 Public comments filed with the
23 clerk must also be served on the Hearing Officer
24 and those persons on the service list. The

1 service list for this rulemaking is the list of
2 persons who wish to actively participate in the
3 proceeding and receive not only opinions and
4 orders, but also such other filings as public
5 comments. The notice list for the rulemaking is
6 the list of persons who wish to receive Illinois
7 Board opinions and orders and Hearing Officer
8 orders. The service and notice list for R13-18
9 are available on the clerk's office online or COOL
10 on the Board's website.

11 The address for that is
12 www.ipcb.state.il.us. If anyone has any questions
13 about any procedural aspects of this rulemaking,
14 please contact me. My phone number is
15 (312) 814-6983. I have business cards up here.
16 My e-mail is [richard.mcgill](mailto:richard.mcgill@illinois.gov), that's M-C-G-I-L-L,
17 at illinois.gov. Are there any other matters that
18 need to be addressed at this time? Seeing none,
19 I'd like to thank everyone for their participation
20 today and this hearing is adjourned.

21

22

23

24

1 STATE OF ILLINOIS)

2) SS.

3 COUNTY OF COOK)

4

5 I, Steven Brickey, Certified Shorthand
6 Reporter, do hereby certify that I reported in
7 shorthand the proceedings had at the trial
8 aforesaid, and that the foregoing is a true,
9 complete and correct transcript of the proceedings
10 of said trial as appears from my stenographic
11 notes so taken and transcribed under my personal
12 direction.

13 Witness my official signature in and for
14 Cook County, Illinois, on this 12th day of
15 June, A.D., 2013.

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Suite 2007
Chicago, Illinois 60603
Phone: (312) 419-9292
CSR No. 084-004675

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A		B	C	
<p>A.D 31:15 able 22:1,4 27:11 Absent 11:9 accommodate 16:12,24 19:1 29:12 accurate 7:8,8 7:19 acronym 6:20 22:11 acronyms 6:19 Act 29:14 actively 30:2 activity 20:18 actual 20:6,18 add 16:4,14 18:23 25:4 28:18 additional 3:20 21:10 address 17:5,10 30:11 addressed 30:18 adjourn 29:8 adjourned 30:20 Adm 1:3 3:7 Administrative 7:13 11:7 29:14 admitted 6:3 advance 14:21 14:23 aforesaid 31:8 afternoon 3:1 7:1 17:14 agencies 28:23 agency 3:11 7:3 8:9 10:24 15:12 18:1 25:24 agency's 7:17,24 9:14,22 10:4,4 10:14,18 19:6 Agriculture 24:19 28:20 ahead 13:13 Air 1:4 12:17,24</p>	<p>13:4 Alisa 2:5 4:6 allow 5:21 6:16 allowing 27:7 aloud 5:14 amendments 1:3 3:7,23 7:22 America 26:23 amounts 21:22 and/or 7:23 answer 7:18 13:11 18:10,23 23:4,20 answering 19:19 27:19 answers 23:12 anticipate 16:5 apologies 4:11 apostrophe 16:4 16:14 appeared 3:16 appears 10:22 31:10 Appendix 9:17 apply 29:18 appreciate 7:4,5 appreciated 29:1 area 3:14 22:19 arrange 20:13 arrives 15:12 asked 6:8 21:12 asking 20:9 aspects 30:13 assigned 3:5 assistant 7:2 ASTM 9:15,20 9:21 attachment 14:3 attendance 4:8 4:11 26:8 attorney 4:9 audience 4:12 5:18 13:22 25:21 available 9:3 13:10 30:9</p>	<p>B 23:23 background 3:9 basically 24:20 beginning 9:7 9:14 begins 8:5 behalf 3:24 7:3 believe 7:14 believes 20:21 benefit 5:14 20:1 better 20:24 21:1 26:18 bias 6:7 big 22:4 Board 1:1,9 3:3 4:1,1,2,2,3,4,9 4:11,13 5:2,12 6:4,16 13:11 13:20 22:12 25:22 29:12 30:7 Board's 4:4,6 6:1,6 7:5,10 9:1 14:1 29:10 30:10 box 15:18 18:15 break 26:2 breaks 21:21 Brickey 1:9 2:13 31:5,20 brief 3:9 bring 7:19 Burke 2:4 4:11 Burkhart 2:8 11:16,24 12:16 13:16 14:24 15:1,14,16 16:2,3,19,24 17:9 18:9,13 18:22 19:18,21 23:3,4,19,20 24:4,5,14,15 28:18 Burkhart's 12:23 14:9 17:17 business 30:15</p>	<p>C 2:1 calendar 19:22 19:23 20:2,7,7 called 1:8 13:18 27:3 calls 14:12 15:18 17:19 18:15 capitalized 7:17 captioned 3:6 cards 30:15 care 26:8 Carrie 2:3 4:3 case 7:16 cause 1:7 certainly 18:23 20:16 Certification 25:14 certifications 24:12 certified 25:1 31:5 certify 24:23 31:6 CFR 9:17 chair 26:19 Chairman 4:3 change 7:17 8:9 8:11 10:3,8 11:1 changed 10:7 changes 7:24 checklist 17:16 17:19 18:1,4 18:15 Chicago 1:11 3:14 22:19 31:22 choose 23:8 Chuck 2:8 11:19 12:7,19 13:16 19:7 citations 11:22 citizen 27:6 clarity 17:4 Clark 2:9 12:24 13:16 Clean 12:17,24</p>	<p>clearer 6:17 clerk 29:23 clerk's 9:4 29:20 30:9 close 10:13 Code 1:3 3:7 7:13 coherent 9:5 colleagues 24:17 collectively 12:14 combing 21:23 come 20:14 21:7 coming 26:18 comma 10:15 commence 15:23 commences 22:20 24:1 commencing 1:12 14:14 comment 26:10 26:13 29:13,20 comments 5:24 29:11,19,22 30:5 Committee 11:7 community 27:14 companies 28:3 company 22:17 22:22 25:1 27:23 compatibility 28:11 complete 15:18 18:15 21:21 23:13 31:9 completed 6:5 14:19,22 18:1 18:4,7,20 completing 18:6 completion 17:21,23 compliant 15:15 comply 14:18 18:3 concerning 19:5 concerns 14:4</p>
	<p style="text-align: center;">B</p>			

<p>conclusion 5:22 confusion 8:12 consideration 6:17 consistency 15:2 contact 30:14 contains 9:22 context 15:4 continue 20:12 contractor 20:14 contractors 16:7 24:11 27:15 28:2,8 control 1:1,9 3:3 13:4 27:14 conventional 15:9 Cook 31:3,14 COOL 30:9 Cooper 2:9 13:3 13:17 Cooper's 13:5 Corporation 26:24 correct 15:14,16 17:6,9 31:9 counsel 5:6 6:23 7:2 country 28:2,8 County 31:3,14 Courses 25:14 court 6:13 13:13 28:4 cross-over 19:12 crossed 8:8 CSR 1:9 2:13,13 31:20,23 currently 24:5 cutoff 20:11</p> <hr/> <p style="text-align: center;">D</p> <p>D323 9:16,20 D323-08 9:21 Darwin 2:8 11:16,24 12:16 13:16 14:9 data 21:14,18,22 21:23</p>	<p>date 15:19,22 16:4 18:16,19 18:24 20:6,6 20:13 23:10 dates 15:24 16:18 18:20 20:5 day 1:11 15:11 15:12,13,20,21 16:9,11 18:17 18:18 19:14 31:14 days 14:14,21,22 15:7 16:17 17:20,23 18:6 18:8 deadline 5:23 29:11 deal 27:9,9 Deanna 2:3 4:4 decision 6:6 19:20 decommission 14:7 20:14 decommission... 14:15 15:19,21 15:23,24 16:6 17:16,21,24 18:6,16,18,20 18:21 20:18 23:17 decrease 20:22 delivered 15:6 Department 24:18 28:19 deposeth 13:19 27:4 designated 25:14 designating 5:8 11:20,23 12:6 designed 6:5 develop 6:5 difference 19:14 different 22:2 differs 10:13 difficult 21:24 directed 4:21 direction 31:12</p>	<p>Director 4:5 dis-benefit 20:3 dispensed 21:4 dispenser 24:22 25:5,13 dispenser-ma... 24:11 dispensers 23:8 24:24 dispensing 3:13 10:2,5,6 20:10 22:20 23:24 distributor 27:24 28:1,7 Division 12:17 12:21 13:1,4,7 docket 9:1 docketed 3:6 document 12:2 12:9 19:6,11 22:14 25:17 doing 27:13,17 28:9,12 draft 14:6 15:2 17:4,15 dry 9:16 duly 13:18 27:3 Dzierzanowski 2:10 26:9,12 26:16,22,23 27:2,5,20,23 28:6,17 29:4</p> <hr/> <p style="text-align: center;">E</p> <p>E 2:1,1,7 9:17 e-mail 17:10 30:16 e-mailed 15:5 18:11 economic 3:22 22:22 23:5 efficient 4:20 effort 4:19 either 20:7 elaborate 21:19 electricity 20:11 electronic 15:8 emission 20:1 emissions 20:22</p>	<p>21:2 emphasize 20:5 employ 24:23 Engineer 13:3 entered 11:10 11:16,19 25:10 entering 4:15,17 5:7 11:15,18 entitled 1:7 14:7 17:16 entity 27:22 entrance 6:12 environmental 3:10 20:1 EPA 7:3 12:18 12:22 13:2,5 14:13 17:20 22:9 EPA's 14:17 equip 23:8 equipment 14:8 18:16 20:12,13 20:15 22:18,24 23:9,16,17 24:3 27:24 28:1,7,11 Erik 4:13 errors 7:23 essential 17:7 establish 5:23 evidence 3:22 Ex 15:11 example 14:20 18:4 Excel 22:3,6 Excel's 22:7 Executive 4:5 exemption 8:13 exhibit 11:23 12:1,3,6,8,10 14:9 17:17 25:10,15,16,18 exhibits 5:9 11:21 expect 29:16 expedite 7:5 explain 19:15 explained 22:12 export 22:6</p>	<hr/> <p style="text-align: center;">F</p> <p>faces 28:23 facilities 20:10 fax 17:5 faxed 18:12,13 feasible 21:18 22:6 Fed 15:11 federal 27:10 filed 3:11 4:23 7:22 8:24 10:10 29:22 filing 5:24 8:21 9:22 10:14,19 29:11,19 filings 30:4 filling 21:3 final 17:7 Fire 24:18 28:19 first 3:15,18 5:13,18 7:9,16 8:3,4 9:18 11:14,22 13:18 14:4 15:17 18:14 22:21 24:1 27:3 fleet 21:7 follow 6:22 followed 5:7,9 24:16 following 9:15 26:3 follows 13:19 27:4 foregoing 31:8 foresee 23:7 form 14:6,12,22 15:2,22 16:5 16:12,14,15 17:4,6,7,16,19 18:7,19,24 22:8 format 21:16 22:2,3,7,7 forms 14:5 19:4 forth 9:16 Friday 5:2 front 26:18 fuel 21:4</p>
--	---	--	--	---

full 6:20	11:12,21,23	31:22	10:1,22 11:6	17:14 18:12,14
further 25:22	12:1,2,6,8,9	illinois.gov	JCAR's 7:21 8:4	19:2 21:10
<hr/>	14:3 17:12	30:17	9:12,18	22:1 24:9
G	21:12,17 22:15	immediate	Jeff 2:10 26:22	located 6:11
gas 20:17,24	25:14,15,17	12:16,19	27:2	25:3
21:1,8	29:10,15,16,23	impact 3:22	JENNIFER 2:4	locations 20:23
gasoline 3:13	30:7,20	impacts 27:14	Jerry 2:5,9 4:1	looking 16:16
10:2,5,6 16:5	hearings 3:20,21	important 8:10	12:24 13:16	lot 8:12 9:4 27:9
20:9 22:20	held 1:6 3:19	20:8	job 16:22	lower 7:16
23:24 25:13	help 6:5	incentive 22:23	Johnson 2:4 4:5	<hr/>
gather 24:20	higher 21:8	23:6	Joint 11:6	M
Gebhardt 2:8	Holbrook 2:6	includes 3:12	JR 2:7	M-C-G-I-L-L
11:19 12:7,19	4:3	including 9:11	July 19:14,15,17	30:16
13:16 19:13	hour 1:12	incorporated	19:24 20:2	Mail 14:20
20:21 21:5,6	house 11:3	10:16	29:12,21	15:10 18:5
21:11,20 22:5	housekeeping	indicate 4:10	June 1:11 29:11	mailbox 29:18
Gebhardt's 13:2	7:7,9,20 10:21	individually	<hr/>	mailing 17:5
19:7,10 20:20	11:4	21:22	K	maintain 8:20
Gilbarco 25:6	<hr/>	industry 25:5	keep 8:18	Manager 12:16
give 4:14 26:20	I	information 6:2	Kent 2:7 4:15,17	12:20
29:14	identical 14:16	17:8 21:21	6:23 7:2	manuals 24:21
given 5:18	identification	24:20 25:3	KK 8:6,7,17	manufacturers
Glosser 2:3 4:4	12:4,11 25:19	initiate 19:16	know 16:12 23:7	24:23 25:5
go 7:6 8:1,3	IEPA 4:22 11:10	inluding 9:11	24:21	March 3:10
13:13 16:11	13:24 14:5,19	input 21:14	known 9:16	Mark 4:8,9
17:15 26:1	14:21 18:4,7	Intent 14:7,8,12	<hr/>	marked 12:2,9
going 6:23 8:3	19:13 20:21	14:19 15:18	L	25:17
8:12,22 16:21	27:7	16:21	language 8:19	marketers 27:15
17:3 19:4 29:7	IEPA's 5:3,6,7	interested 29:7	9:17,23 10:1,9	28:9
Good 3:1 7:1	5:10,17,21	interning 4:12	10:12,14,18	Marshall's
17:14	6:23 11:21	interns 4:18	14:15,16 17:21	24:18 28:19
governed 6:1	12:13 13:21	interrupt 8:23	17:22 23:1	matter 1:2 7:9
government	14:6 17:15	introduce 12:13	24:12	7:20 9:6
27:10	18:2 19:4,15	involved 27:8	large 21:22	matters 7:7
great 13:12 17:2	25:21 28:15	28:10,12	largest 28:1,7	30:17
27:10	II 3:12 14:8,14	issue 10:21	LaSalle 1:10	McGill 1:8 2:2
greatly 27:14	17:16 18:16	issued 4:20 5:1	Law 4:15	3:1,4 8:22 11:5
Greg 4:16	19:17,24 20:3	issues 6:7 9:12	lead 4:2	12:5,12 13:12
guys 27:12	20:11,23 22:18	11:4 28:11	left 12:16,23	13:20 15:10,15
<hr/>	22:23 23:9,15	item 10:21,22	legislative 28:10	15:17 16:16,23
H	23:17 24:3	11:2	License 2:13	17:2,11 19:3
hand 15:5	III 1:3 3:7	items 29:8	line 8:5 9:7,8,10	22:10 23:11,23
happened 8:6	Illinois 1:1,8,10	<hr/>	9:10,14,19,20	25:12,20 26:5
happening 24:8	1:11 3:2,10,16	J	9:24 10:11	26:11,14,17
heading 22:16	7:3,12,22	J 2:8,13	links 24:22 25:2	27:18,21 28:14
hear 26:17	12:18,21 13:1	January 19:16	25:7,13	28:22 29:6
hearing 1:7 2:2	13:5 14:13	20:4,10 22:21	list 29:24 30:1,1	meaning 10:7
3:3,4,18,18	17:20 24:18	24:2	30:5,6,8	means 15:9
4:20,21 5:1,1,5	30:6 31:1,14	JCAR 8:23 9:3	little 7:14 10:23	29:19
5:9,13,15,23			Liu 2:5 4:6	

Member 4:1,2,3 4:4,11	22:7	17:13 21:12 22:16 29:23 30:7	17:18 20:20	plural 9:10,20
members 6:4	<hr/> N <hr/>	official 31:13	pages 19:9	plus 20:23
mentioned 11:8 27:22	N 2:1	oil 28:2	panel 5:11	point 4:7 11:6 19:12,22 27:16
mentioning 8:24	name 3:3 7:1 26:20,22	okay 4:18 15:10 16:23 17:3 26:20	parenthesis 16:15 18:24	pointed 15:3 16:13
merits 3:22	near 6:12	older 20:24 21:9	parrot 17:15	Pollution 1:1,8 3:3 13:4
met 16:8	nearly 14:15	once 6:20 24:7 24:16	part 7:11,24 8:3 8:4 9:6,12,13 10:17,20 27:7 27:16 28:14,20	poor 21:1
method 9:16	necessarily 15:6 20:8	one-day 16:22	participant 5:17	pose 5:19
Microsoft 22:2,6	need 16:12 30:18	ones 25:6	participants 4:24 5:15	posed 6:4
mid 19:22	neglected 11:6	online 9:4 30:9	participate 30:2	posing 5:2
midpoint 20:4	new 22:19,24 23:7,14,24	open 13:22 25:20	participating 29:3	possession 15:7
Mike 2:10 13:6 13:17	newer 20:23 21:6	opens 22:18	participation 25:24 30:19	possible 4:20
mileage 20:24 21:1,2,8	ninth 15:12	operating 20:12 22:21 24:1	Parts 1:4 3:7	possibly 29:16
mind 26:14,18 27:18	non-attainment 3:14 22:19	operation 10:3,5 10:6 22:20,24 23:24	PEI 10:15	postage 14:21 18:5
miscellaneous 22:16	North 1:10 26:23	operations 3:13 23:15	PEI/RP 10:15	posted 29:10,17
missed 4:18	note 26:6	operator 14:18 17:24 18:3	people 29:14	postmark 15:11
Mobile 12:17,21 13:1,7	notes 31:11	opinion 27:12	perform 15:22 18:19	postmarked 15:5 18:10
model 21:15,20	notice 3:15 8:4 9:18 14:7,8,12 14:19 15:18 16:21 30:5,8	opinions 30:3,7	perform 15:22 18:19	Powell 4:8
modeled 19:13	noticed 11:1	opportunity 5:18 7:4	performed 16:1 16:18 18:21	pre-file 6:10
modeling 19:21 19:23	number 7:11 10:22,23 11:2 17:5 30:14	order 4:21 5:1 5:13 11:12 14:4 17:13 21:12 22:16	period 10:13,17 20:17 29:13	pre-filed 4:23,24 5:7 11:10,13 11:15,18,21,24 12:7 14:10 17:18 19:8 20:20 21:16
modification 9:15	numbering 8:11	orders 30:4,7,8	permit 8:14 13:3 13:3	pre-filing 4:21
Mohr 2:7 6:24 7:1,2 9:6 12:12 12:15 14:24 16:2 19:18 21:5 23:3,19 24:4,14 25:8,9	numerous 7:23	ORVR 20:22 22:12	permits 8:10	prejudgment 6:7
moment 8:23 26:1	<hr/> O <hr/>	output 21:14	personal 31:11	present 2:7 3:24 5:16,17
Monday 29:21	O'Leary 2:5 4:1 19:9 20:19	outreach 28:15	personally 28:10	presented 24:16
Monroe 31:21	objection 11:9 11:14,17,23 12:6 25:12	oversight 4:10	persons 6:7 29:24 30:2,6	previous 21:11
month 15:20 18:17	objects 8:9	owner 14:17 17:24 18:2	pertains 7:10,21	primary 25:4,6
move 13:24 17:3 17:12 19:5 25:10 29:7	obtain 24:11	owns 22:17	petroleum 27:24 28:1,7	prior 14:14 15:7
MOVES 21:14 21:20	occur 16:10	ozone 3:14	phaseout 3:12 19:17 20:16	privileged 6:3
multiple 16:17 16:17	office 9:4 24:17 24:18 28:19 29:20 30:9		phone 30:14 31:22	probably 16:8
MySQL 21:15	Officer 1:7 2:2 3:4 4:21 5:1,13 11:12 14:3	<hr/> P <hr/>	place 17:6	procedural 6:1 29:8 30:13
		P 2:1,1	placing 14:20 18:5	Procedure 29:14
		p.m 1:12 29:21 30:14	please 6:15,19 19:15 24:10 30:14	procedures 6:22
		page 14:12	plug 20:11	proceeding 5:24 6:14 7:6 30:3
				proceedings 1:6 26:4 31:7,9
				proceeds 13:21

process 27:7,13 27:17 28:12	21:11,13 22:17 23:5,14,21,23 24:9,16 27:19	referenced 7:12 8:13 28:21	rule 3:23 7:8 14:16,18 15:2 15:4 17:22 18:3 19:19 29:18	senior 4:8 served 29:23 service 29:24 30:1,8 Services 12:20 13:7 set 9:16 sheet 6:11 short 23:12 shorthand 31:5 31:7 showed 19:23 side 27:8	
program 19:24 20:3,9	questions 5:2,3 5:10,16,19,21 6:4,9,21 7:10 13:11,21,23 14:1,2,4 19:3,5 19:10 22:13,15 25:21,23 29:1 29:2 30:12	references 9:19 24:10,21 referring 19:12 reflect 6:6 10:18 refreshing 27:11 refuel 21:9 refueling 20:21 21:2 22:12 regard 19:7 regarding 22:14 Register 3:17 7:23	rulemaking 1:3 3:5,11,18 4:2 6:18 28:15 30:1,5,13 rules 1:3 3:7,16 6:1 11:7 23:16 runs 21:21	signature 31:13 signed 26:6 signup 6:11 similar 17:22 simply 8:18 14:18 15:8 18:3 Singular 9:9,20 Sirk 4:13 sit 27:11 sites 10:12,15 sixth 15:13 slow 28:5 sooner 29:17 sorry 16:15 26:11 28:4 sound 17:15 Source 12:17,21 13:1,7 26:23 sources 8:13 space 15:19 18:17 speak 6:15,15 28:5 specialties 28:11 specifically 19:7 24:20 spell 22:10 spent 21:3 Springfield 3:19 28:23 SS 31:2 staff 6:5 7:10 Stage 3:12 14:7 14:14 17:16 18:16 19:17,24	
projection 16:20 16:21	quickly 6:15 quote 10:13 23:24 24:2 quoted 23:1	related 19:4 relevant 6:2 remain 8:19 remarks 5:6 renumbered 8:8 8:16 repetitious 6:2 replacing 20:24 replied 21:16 REPORT 1:6 reported 2:12 31:6 reporter 6:13 13:13 28:4 31:6 represent 26:21 request 10:9,17 require 23:17 required 21:8 requirement 29:13 respected 27:12 responding 5:11 response 19:10 result 21:2 Richard 1:8 2:2 3:4 richard.mcgill 30:16 right 12:19 13:2 13:6 Rogers 2:10 13:6,17 room 6:12 24:19 Ross 2:9 13:2,16	<hr/> S <hr/> S 2:1 16:4,14,15 18:24 saith 13:19 27:4 saying 27:16 scenario 23:22 24:8 scheduled 3:20 School 4:15 seated 12:15,18 12:23 13:2,5 second 3:17 7:16 7:20 11:17 12:5 16:11 section 7:12,13 7:15 8:5,8 9:8 9:13,24 10:11 10:16,21 12:20 13:4,7 14:4,16 17:22 23:2 24:13 see 13:22 23:21 24:7 25:22 29:6 Seeing 6:22 11:16,19,24 12:7 13:24 19:4 22:14 25:15,22 29:2 30:18 Select 25:13 selected 20:4 selecting 19:16 send 17:6 sending 14:18 18:3	showed 19:23 side 27:8 signature 31:13 signed 26:6 signup 6:11 similar 17:22 simply 8:18 14:18 15:8 18:3 Singular 9:9,20 Sirk 4:13 sit 27:11 sites 10:12,15 sixth 15:13 slow 28:5 sooner 29:17 sorry 16:15 26:11 28:4 sound 17:15 Source 12:17,21 13:1,7 26:23 sources 8:13 space 15:19 18:17 speak 6:15,15 28:5 specialties 28:11 specifically 19:7 24:20 spell 22:10 spent 21:3 Springfield 3:19 28:23 SS 31:2 staff 6:5 7:10 Stage 3:12 14:7 14:14 17:16 18:16 19:17,24	
proper 9:22 proposal 3:11 6:18 8:1,18,24 9:14,18 10:4,4	<hr/> R <hr/> R 2:1 R13-18 1:3 3:6 9:1 30:8 read 5:8,14 10:5 10:9,14 11:11 11:15,18 reading 9:1 reads 10:1,12 reason 8:10 11:2 16:13 22:7 reasoning 19:15 reassuring 27:11 receive 3:21 29:20 30:3,6 received 11:12 14:22 18:7 recognized 28:22 record 5:8 6:3,6 7:8,19 11:11 23:13 25:11 26:1,5 recovery 1:3 3:6 3:13 14:8 22:13,18 23:16 24:3 reduced 21:2 reduction 20:1 reference 7:14 8:10 9:19,21 10:16 23:1,18	prohibited 24:2 24:6 projection 16:20 16:21 proper 9:22 proposal 3:11 6:18 8:1,18,24 9:14,18 10:4,4 proposed 3:16 3:23 7:21 8:20 11:1 14:16 15:19,22,24 17:22 23:1,2 23:16 24:13 28:16 Protection 3:11 provide 18:1 22:2,8 24:10 provided 11:11 14:9 15:20 17:17 18:17 21:15 25:2,7 28:24 provides 19:24 providing 21:13 21:17 public 5:24 29:13,19,20,22 30:4 publication 3:15 pull 20:11 pump 21:3 purpose 3:20 purposes 7:18 puts 10:1	referenced 7:12 8:13 28:21 references 9:19 24:10,21 referring 19:12 reflect 6:6 10:18 refreshing 27:11 refuel 21:9 refueling 20:21 21:2 22:12 regard 19:7 regarding 22:14 Register 3:17 7:23 related 19:4 relevant 6:2 remain 8:19 remarks 5:6 renumbered 8:8 8:16 repetitious 6:2 replacing 20:24 replied 21:16 REPORT 1:6 reported 2:12 31:6 reporter 6:13 13:13 28:4 31:6 represent 26:21 request 10:9,17 require 23:17 required 21:8 requirement 29:13 respected 27:12 responding 5:11 response 19:10 result 21:2 Richard 1:8 2:2 3:4 richard.mcgill 30:16 right 12:19 13:2 13:6 Rogers 2:10 13:6,17 room 6:12 24:19 Ross 2:9 13:2,16	<hr/> S <hr/> S 2:1 16:4,14,15 18:24 saith 13:19 27:4 saying 27:16 scenario 23:22 24:8 scheduled 3:20 School 4:15 seated 12:15,18 12:23 13:2,5 second 3:17 7:16 7:20 11:17 12:5 16:11 section 7:12,13 7:15 8:5,8 9:8 9:13,24 10:11 10:16,21 12:20 13:4,7 14:4,16 17:22 23:2 24:13 see 13:22 23:21 24:7 25:22 29:6 Seeing 6:22 11:16,19,24 12:7 13:24 19:4 22:14 25:15,22 29:2 30:18 Select 25:13 selected 20:4 selecting 19:16 send 17:6 sending 14:18 18:3	senior 4:8 served 29:23 service 29:24 30:1,8 Services 12:20 13:7 set 9:16 sheet 6:11 short 23:12 shorthand 31:5 31:7 showed 19:23 side 27:8 signature 31:13 signed 26:6 signup 6:11 similar 17:22 simply 8:18 14:18 15:8 18:3 Singular 9:9,20 Sirk 4:13 sit 27:11 sites 10:12,15 sixth 15:13 slow 28:5 sooner 29:17 sorry 16:15 26:11 28:4 sound 17:15 Source 12:17,21 13:1,7 26:23 sources 8:13 space 15:19 18:17 speak 6:15,15 28:5 specialties 28:11 specifically 19:7 24:20 spell 22:10 spent 21:3 Springfield 3:19 28:23 SS 31:2 staff 6:5 7:10 Stage 3:12 14:7 14:14 17:16 18:16 19:17,24
<hr/> Q <hr/> question 5:12,14 7:11,18 14:6 14:11 15:4,17 16:3 17:3,12 19:19 20:19	quickly 6:15 quote 10:13 23:24 24:2 quoted 23:1	related 19:4 relevant 6:2 remain 8:19 remarks 5:6 renumbered 8:8 8:16 repetitious 6:2 replacing 20:24 replied 21:16 REPORT 1:6 reported 2:12 31:6 reporter 6:13 13:13 28:4 31:6 represent 26:21 request 10:9,17 require 23:17 required 21:8 requirement 29:13 respected 27:12 responding 5:11 response 19:10 result 21:2 Richard 1:8 2:2 3:4 richard.mcgill 30:16 right 12:19 13:2 13:6 Rogers 2:10 13:6,17 room 6:12 24:19 Ross 2:9 13:2,16	<hr/> S <hr/> S 2:1 16:4,14,15 18:24 saith 13:19 27:4 saying 27:16 scenario 23:22 24:8 scheduled 3:20 School 4:15 seated 12:15,18 12:23 13:2,5 second 3:17 7:16 7:20 11:17 12:5 16:11 section 7:12,13 7:15 8:5,8 9:8 9:13,24 10:11 10:16,21 12:20 13:4,7 14:4,16 17:22 23:2 24:13 see 13:22 23:21 24:7 25:22 29:6 Seeing 6:22 11:16,19,24 12:7 13:24 19:4 22:14 25:15,22 29:2 30:18 Select 25:13 selected 20:4 selecting 19:16 send 17:6 sending 14:18 18:3	signature 31:13 signed 26:6 signup 6:11 similar 17:22 simply 8:18 14:18 15:8 18:3 Singular 9:9,20 Sirk 4:13 sit 27:11 sites 10:12,15 sixth 15:13 slow 28:5 sooner 29:17 sorry 16:15 26:11 28:4 sound 17:15 Source 12:17,21 13:1,7 26:23 sources 8:13 space 15:19 18:17 speak 6:15,15 28:5 specialties 28:11 specifically 19:7 24:20 spell 22:10 spent 21:3 Springfield 3:19 28:23 SS 31:2 staff 6:5 7:10 Stage 3:12 14:7 14:14 17:16 18:16 19:17,24	

20:3,11,23 22:18,23 23:9 23:15,17 24:3 standard 22:8 starting 8:7 state 1:10 6:19 24:17 27:6,16 28:19 31:1 states 19:13 20:21 27:9 28:13 station 23:8 stations 16:6,8 20:17 stenographic 31:10 Steven 1:9 2:13 31:5,20 Street 1:10 31:21 stricken 8:17 strike 8:19 struck 8:17 9:14 9:18 10:2,22 10:24 11:2 sub-questions 23:12 submitted 14:13 15:1,8 17:19 subsection 8:6,7 8:11,20 9:9 10:8 subsections 8:16 9:9 substantive 10:3 substantively 10:7 sufficient 14:20 18:5 Suite 31:21 summarizing 21:23 summary 21:13 21:17 summer 4:13 support 19:6,11 22:14 sure 7:7 11:7 12:15 22:11	26:14,16 27:20 Sussman 4:16 swear 12:14 13:13 26:21 sworn 6:8 13:10 13:19 26:15 27:4 systems 3:13 <hr/> T <hr/> take 11:20 15:21 18:18 26:19 taken 1:9 5:3 26:2 31:11 talk 6:16 task 22:4 team 28:20 technical 4:6 12:20 13:6 19:6,11 22:14 technicians 24:24 25:1 tell 27:21 ten 14:13,21,22 15:7 tenth 15:11 term 6:20 9:8,10 9:19 terms 8:16 10:23 Terrific 17:11 testify 5:22 6:8 6:10 26:6,8 testifying 29:7 testimony 3:21 4:22,23,24 5:7 5:20 6:9,11 11:10,13,15,18 11:21,24 12:7 14:10 17:18 19:8,10 20:20 21:16 28:24 text 18:14 thank 4:10,14 4:16,18 11:5,8 13:12 17:2,11 19:2 25:23 27:6,6,16,17 29:2,4 30:19 thing 27:10,13	think 17:4 28:22 third 4:15,17 THOMAS 2:4,6 thought 27:13 three 29:15 three-year 20:17 time 8:2 13:23 20:17,22 21:3 22:13,21 24:1 25:9,23 26:7 30:18 timely 4:22 times 21:9 today 3:17,24 4:8 5:4 6:22 24:19 25:24 26:6,8,21 29:9 30:20 today's 4:19,24 5:23,24 21:17 29:9,15 told 16:7 Tom 4:3,5 ton 19:14 top 14:11 17:18 train 24:23 training 24:12 24:21 25:3,13 transcribed 31:11 transcribing 6:14 transcript 5:15 6:17 9:2 29:9 29:15,16 31:9 trial 31:7,10 true 31:8 TSD 19:11,12 turn 6:23 turned 20:8 two 7:11 11:13 17:3,12 20:5 24:9 25:4,5,7 27:19 28:23 two-day 16:22 <hr/> U <hr/> ultimately 9:2 unit 4:6	unnecessary 10:8 use 22:23 23:15 <hr/> V <hr/> vapor 1:3 3:6,12 14:8 22:12,18 23:15 24:3 various 24:22 vehicle-fueling 10:12,15 vehicles 20:23 21:1,7,9 vendors 16:7 version 7:21 8:5 8:23 9:3,12 view 14:17 18:2 <hr/> W <hr/> waive 4:14,16 want 7:6 13:22 20:5 wanted 7:19 27:5,6 wasn't 10:24 way 3:9 Wayne 25:6 we'll 6:22 12:14 13:24 26:21 we're 8:11 17:3 19:4 20:9 28:6 website 24:22 25:2 29:10 30:10 week 5:2 weeks 29:15 welcome 3:2 went 25:3 West 31:21 willingness 7:5 wish 6:10 30:2,6 witness 6:11 13:24 27:3 29:2 31:13 witnesses 5:3,10 5:17,21 11:13 12:13 13:10,14 13:18,21 25:22 wondering 21:19	word 15:1 16:4 18:24 words 9:15 work 16:9 24:24 28:2,8 wouldn't 21:8 21:18 written 21:13 www.ipcb.stat... 30:12 <hr/> X <hr/> Y <hr/> year 4:15,17 15:20 18:17 20:2,7 year's 19:22,23 years 20:7 <hr/> Z <hr/> Zalewski 2:3 4:4 <hr/> 0 <hr/> 0.07 19:14 084-004675 2:13 31:23 <hr/> 1 <hr/> 1 14:9,12 19:16 19:17 20:4,10 22:22 24:2 1:00 1:12 10 3:17 160 1:10 17 11:11 17th 29:11 18th 3:10 1A 14:11 18:10 23:14 1B 15:17 18:23 <hr/> 2 <hr/> 2 10:22 17:17 2007 31:21 201 1:4 3:7 7:11 8:4 9:7,12 201.146 8:5 201.210(a)(1) 7:13
--	--	---	---	---

201.210(a)(10)... 7:15	45-day 29:13		
201.210(a)(19) 9:8	<hr/> 5 <hr/> 5 12:8,10 19:9 20:20		
2013 1:11 3:10 3:17,19 4:22 5:13 7:11 11:12 14:3 19:22,24 31:15	5th 1:11 <hr/> 6 <hr/> 6 25:10,16,18 60603 31:22 685 9:7,8 686 9:10 6th 7:11 21:12		
2014 19:12,15 19:16,17,23 20:2,4 22:22 24:2	<hr/> 7 <hr/> 776 9:14,20 778 9:19		
218 1:4 3:8 9:13 218.112 10:16 218.586 9:13 218.586(d)(2) 23:2	<hr/> 8 <hr/> 8 19:13 31:21 80 9:17 814-6983 30:15 875 10:1 8th 3:19 29:12 29:21		
218.586(g)(3) 9:24 218.586(i) 23:18 218.586(i)(2)(A) 14:17 218.586(i)(2)(B) 10:11 218.586(i)(2)(C) 17:23 218.586(i)(2)(i) 24:13 219 1:4 3:8 10:20 219.105(c)(1)(B) 10:21 28th 4:22	<hr/> 9 <hr/>		
<hr/> 3 <hr/> 3 10:23,23 11:2 30 17:20,23 18:6 18:8 300-09 10:15 31 5:13 14:3 312 30:15 31:22 35 1:3 3:7 354 8:6			
<hr/> 4 <hr/> 4 12:1,3 19:9 4:30 29:21 40 9:16 419-9292 31:22			