

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RE: PERMIT BY RULE) No. 17-9
FOR BOILERS.)

NOTICE OF HEARING

A Hearing in the above-captioned matter is scheduled and will continue as necessary on the following date, time and place:

November 16, 2016
1:00 P.M.
James R. Thompson Center
Room 9-034
100 West Randolph Street
Chicago, IL 60601

IT IS SO ORDERED.

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PRESENT:

MR. JASON JAMES, Hearing Officer.

MR. THOMAS E. JOHNSON, Board Member.

MS. JENNIFER E. BURKE, Board Member.

MR. JEROME D. O'LEARY, Board Member.

MS. ALISA LIU, Technical Unit.

MR. ANAND RAO, Technical Unit

1 MR. JAMES: All right. It's 1:00. So if
2 everybody in Springfield is ready to go, we'll go ahead
3 and begin.

4 All right. Then let's go ahead. And I
5 guess we'll go on the record now.

6 Good afternoon. Welcome to the Illinois
7 Pollution Control Board Hearing. My name is Jason
8 James and I am the Hearing Officer for this rule-making
9 proceeding entitled Permit By Rule For Boilers;
10 Amendments to 35 Illinois Administrative Code Parts 201
11 and 211.

12 The Board docket for this rule-making is
13 R17-9. Also present today from the Board are Board
14 Member Tom Johnson, Member Jerry O'Leary and Member
15 Jennifer Burke.

16 To provide background for today's hearing,
17 the Illinois Environmental Protection Agency filed this
18 rule-making proposal with the Board on August 23rd,
19 2016. The Board accepted the proposal for hearing on
20 September 8, 2016.

21 We have a technical error and we're going
22 to go off the record for a minute.

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1 (There was a discussion held off
2 the record, after which the
3 deposition resumed as follows:)

4 MR. JAMES: I'm just going to go back on the
5 record from after where we introduced the Board
6 Members. Okay. I'll just start back from the very
7 beginning just to make everything complete again.

8 Okay. Good afternoon and welcome to the
9 Illinois Pollution Control Board Hearing.

10 My name is Jason James and I'm the Hearing
11 Officer for this rule-making proceeding entitled Permit
12 By Rule For Boilers, Amendments to 35 Illinois
13 Administrative Code parts 201 and 211. The Board
14 docket for this rule-making is R17-9.

15 Also present today from the Board are
16 Board Members Tom Johnson, Jerry O'Leary and Jennifer
17 Burke.

18 To provide background for today's hearing,
19 the Environment Protection Agency filed this
20 rule-making proposal with the Board on August 23rd,
21 2016. The Board accepted the proposal for hearing on
22 September 8, 2016.

23 A Hearing Officer order dated September
24 22, 2016, scheduled this hearing, the second in this

1 rule-making. The Board received pre-file testimony
2 regarding IEPA's proposal by Mr. Rory Davis an IEPA
3 employee, on October 12, 2016.

4 The first hearing in this rule-making was
5 held, as scheduled, on October 26, 2016. The Board
6 received post-hearing comments from the Agency on
7 November 7, 2016. The Board received no pre-filed
8 testimony for this hearing.

9 I'd like to note for the record that
10 anyone who did not pre-file testimony may testify today
11 or offer comment.

12 Is there anybody here or in Springfield
13 who would like to offer testimony or comment today?

14 (No response.)

15 MR. JAMES: Okay. Nobody in Springfield and
16 nobody here in Chicago.

17 Also for the record, this hearing is being
18 conducted via video conference between Chicago and
19 Springfield.

20 This proceeding is governed by the Board's
21 procedural rules. All information that's relevant and
22 isn't repetitious or privileged will be admitted into
23 the record.

24 Please note that any questions posed today

1 by the Board Members or staff are intended solely to
2 assist in developing a clear and complete record for
3 the Board's decision and do not reflect any
4 pre-judgment or bias on the proposal.

5 We will begin this hearing by swearing in
6 IEPA's witness. Then IEPA's witness will be allowed to
7 testify if he wishes to.

8 After that we will turn to any questions
9 regarding that witness's testimony from this hearing or
10 in the last hearing. Anyone may question IEPA's
11 witness, and any members of the public present will be
12 given first opportunity to pose questions.

13 The Board or staff will then ask any
14 followup questions that they have.

15 After the testimony and questions for
16 IEPA's witness, if any, we will allow anyone else to
17 testify; and as time allows, the Board may receive
18 public comments on the proposal.

19 For the benefit of the court reporter
20 transcribing today's proceeding, please speak clearly
21 and avoid speaking at the same time as another person
22 so we can help produce a clear transcript.

23 Are there any questions about -- after any
24 testimony we will also hear any comments or questions,

1 if any, on the economic analysis of this proposal and
2 this proposal as it relates to the Illinois State
3 Implementation Plan.

4 Are there any questions about our order of
5 proceeding today?

6 (No response.)

7 MR. JAMES: Okay. Seeing none, does any Board
8 Member have an opening statement for today? And does
9 anybody from the Agency have an opening statement
10 today?

11 (No response.)

12 MR. JAMES: Okay. Then will IEPA representatives
13 please introduce themselves and indicate the witness
14 for the record?

15 MS. DOCTORS: Rachel Doctors. I am the attorney
16 representing the Agency. And with me today in
17 testimony or as needed or -- the Agency is not offering
18 any testimony today, but I have two witnesses available
19 to answer questions, Rory Davis and David Blumberg from
20 the Bureau of Air. Also, I also have Jacqueline Sims
21 with me as well from the Bureau of Air.

22 MR. JAMES: Okay. I guess I just asked this a
23 second ago, but just for the sake of completeness I'll
24 ask again whether anybody, here in Chicago or in

1 Springfield, has questions for any of the witnesses
2 that IEPA is prepared to allow to testify?

3 MS. PALUMBO: My name is Antonette Palumbo. I'm
4 with the Illinois Environmental Regulatory Group. And
5 we do have one question for the agency representatives.

6 MR. JAMES: Okay. Since we have questions today,
7 would the court reporter please swear in the witnesses?

8 THE COURT REPORTER: Raise your right hand please.

9 (The oath was thereupon duly
10 administered to the witnesses
11 by the Notary.)

12 MR. JAMES: Okay. So now you can go ahead and ask
13 the Agency your question.

14 MS. PALUMBO: Thank you.

15 This question is in regards to your
16 post-hearing comment that was filed on November 7th,
17 2016.

18 So in regards to Section 201.600A2, we
19 being ERB understand that your comment means that no
20 additional testing needs to be performed in order to
21 comply with this section, so long as the boiler was
22 designed by the manufacturer to meet the 0.05 pounds
23 per million BTU standard; is that correct?

24 MR. DAVIS: Correct. There is no additional

1 testing. It's just as necessary, or as explained in
2 the rule, the boiler tuning.

3 MS. PALUMBO: That's all that we have. Thank you.

4 MR. JAMES: Okay. Does any Board Member or any
5 member of the public have any follow-up questions based
6 on that, or any additional questions for the witnesses?

7 (No response.)

8 MR. JAMES: None here in Chicago. Any in
9 Springfield?

10 (No response.)

11 MR. JAMES: No one. And with that, that ends the
12 testimony for the Agency. I'll just double-check.
13 Does anybody either here in Chicago or in Springfield
14 wish to testify at this moment?

15 (No response.)

16 MR. JAMES: Nobody in Chicago. And I don't hear
17 anything from Springfield, so nobody in Springfield.

18 And one last chance for public comment
19 from anybody here in Chicago or in Springfield. Nobody
20 here in Chicago and also nobody in Springfield.

21 Okay, great. Then there are a few other
22 matters that I'd like to address at this hearing.

23 First, I would like to address the matter
24 of the Economic Impact Study. Section 27(b) of the

1 Environmental Protection Act requires the Board to
2 request that the Department, now known as the
3 Department of Commerce and Economic Opportunity, DCEO,
4 conduct an Economic Impact Study of proposed rules
5 before the Board adopts them. The Board then must make
6 either the Economic Impact Study or the Department's
7 explanation for not conducting one available to the
8 public at least 20 days before a public hearing.

9 In a letter dated October 24, 2016, the
10 Board's Chairman, Jerry Keenan, requested that the
11 Department conduct an Economic Impact Study of the
12 proposed rule. The Board specifically requested a
13 response no later than Tuesday, November 15, 2016. The
14 Board has not received a response to this letter.

15 Would anyone like to testify regarding the
16 request from the Board to DCEO?

17 (No response.)

18 MR. JAMES: Nobody here in Chicago. And I don't
19 see anybody in Springfield. So that's nobody, so we'll
20 go ahead and move on.

21 Next, I would like to address the matter
22 of the State Implementation Plan revision. The
23 Illinois EPA intends to submit the final rules produced
24 in this rule-making to the United States Environment

1 Protection Agency as a revision to Illinois' State
2 Implementation Plan under the federal Clean Air Act.

3 Illinois EPA also intends to submit an
4 anti-backsliding demonstration to USEPA, as required by
5 the Clean Air Act.

6 Federal regulations require public notice
7 and the opportunity for hearing before submitting SIP
8 revisions to USEPA. The rules, when adopted, must be
9 submitted to USEPA for approval and incorporation to
10 the Illinois SIP because they are intended to ensure
11 that the boilers and other emissions units that could
12 prospectively be covered under a permit-by-rule do not
13 interfere with attainment or maintenance of the
14 National Ambient Air Quality Standards promulgated by
15 USEPA.

16 Would anyone like to testify regarding the
17 proposed revisions to the Illinois SIP or the
18 associated anti-backsliding demonstration?

19 (No response.)

20 MR. JAMES: I don't see anybody here in Chicago.
21 And I don't see anybody in Springfield.

22 So that's that. And we can adjourn after
23 a couple of quick announcements.

24 The Board expects to soon receive a

1 transcript of this hearing. After the Board receives a
2 transcript, it will be available on the Board's website
3 at www.ipcb.state.il.us under this Docket Number R17-9.

4 The Board will accept post-hearing
5 comments until November 30. Anyone may file written
6 public comments in this rule-making with the Clerk of
7 the Board. Comments may be filed electronically
8 through the Board's Clerk's Office on-line office or
9 COOL. Any questions about the electronic filing or
10 COOL should be directed to the Clerk's Office.

11 Filings with the Board must also be served
12 on the Hearing Officer and those persons on the service
13 list. Before filing, please check with the Board's
14 Clerk to make sure that you have received the most
15 recent version of the service list.

16 If anyone has any questions about
17 procedural aspects of this rule-making, my contact
18 information is posted on the Board's web page.

19 Are there any other matters that need to
20 be addressed at this time?

21 (No response.)

22 MR. JAMES: Nobody is indicating such in Chicago,
23 and I don't see anybody in Springfield either. So
24 that's that.

1 I'd like to thank everybody for
2 participating today and the hearing is adjourned.

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5 (Which were all the proceedings
6 taken from the hearing of the
7 above-entitled cause.)
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1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF DU PAGE)
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4 I, GLORIA APOSTOLOS SIOLIDIS, C.S.R., duly
5 qualified and commissioned for the State of Illinois,
6 County of DuPage, do hereby certify that I reported in
7 shorthand the proceedings had and testimony taken at
8 the hearing of the above-entitled cause, and that the
9 foregoing transcript is a true, correct, and complete
10 report of the entire testimony so taken at the time and
11 place hereinabove set forth.

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GLORIA APOSTOLOS SIOLIDIS
CSR License #084-001205

1 STATE OF ILLINOIS)
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3

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8 the ^ hearing ^ trial of the above-entitled cause, and
9 that the foregoing transcript is a true, correct, and
10 complete report of the entire testimony so taken at the
11 time and place hereinabove set forth.

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15 GLORIA APOSTOLOS SIOLIDIS
16 CSR License #084-001205
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