

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PROPOSED NEW 35 ILL. ADM. CODE 249) R20-18
ETHYLENE OXIDE AMBIENT AIR) (Rulemaking – Air)
MONITORING)

NOTICE

TO: Don Brown Marie Tipsord
Clerk General Counsel
Illinois Pollution Control Board Illinois Pollution Control Board
James R. Thompson Center James R. Thompson Center
100 West Randolph Street, Suite 11-500 100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218 Chicago, IL 60601-3218

Mark Kaminski
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218

SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Board the POST-HEARING COMMENTS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Antonette R. Palumbo
Antonette R. Palumbo
Assistant Counsel
Division of Legal Counsel

DATED: October 1, 2020

1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

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**POST-HEARING COMMENTS OF THE
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), by its attorneys, and respectfully submits its post-hearing comments in the above rulemaking proceeding. The Illinois Pollution Control Board (“Board”) held two hearings in this matter, at which the Agency provided testimony and answered questions from the Board. The hearings were virtually held on June 25, 2020, and September 10, 2020 due to the COVID-19 pandemic.

The Agency submitted this rulemaking proposal in order to comply with Section 9.16(n) (text from P.A. 101-22)¹ of the Environmental Protection Act (“Act”), a new section of the Act signed into law on June 21, 2019. The Agency proposes monitoring of ethylene oxide levels over a six-month period to determine ambient levels in the State. The samples will be collected at five different sites, representing urban, suburban, and rural areas, and samples will be collected every 12 days. The chosen monitoring sites are Northbrook, Schiller Park, Nilwood, Alton, and Bondville. As this is a six-month monitoring program, the Agency’s proposal also includes a provision sunseting the regulations after 24 months.

¹ Public Acts 101-22 and 101-23 both created a new Section 9.16, and both were published in the Illinois Compiled Statutes with that designation. Therefore, the Sections are distinguished from one another by referring to the appropriate Public Act number after the Section number.

The Monitoring Sites Will Not Be Impacted by Permitted Ethylene Oxide Emission Sources

The Testimony of David Bloomberg, prefiled for the first hearing, provided information about how the monitoring locations were chosen. Ex. 1 at 2. The Board's pre-filed questions and questions posed at the June 10 hearing sought clarification on the location of these monitors as related to their proximity to known ethylene oxide sources. See Ex. 2 at 1-2; Transcript ("Tr.") at 19-23. The Agency testified that ethylene oxide is a highly localized pollutant, meaning that any effects occur near the source of emissions. Tr. at 19, 24. Thus, transport is not an issue with ethylene oxide, and the Agency has no reason to believe that the chosen monitor sites will be impacted by any of the permitted ethylene oxide sources listed in Table 1 of the Technical Support Document. *Id.* The monitoring conducted will allow the Agency to determine the background concentrations of ethylene oxide.

The Board Should Adopt the Proposed New 35 Ill. Adm. Code 249

The Agency requests that the Board adopt the proposed regulations. The Agency respectfully requests that the Board utilize the language initially proposed by the Agency, with the exception of those changes agreed to and suggested by the Agency in its answer in Questions 9 and 10 to the Board's Prefiled Questions. See Ex. 3 at 7-9. No other participants filed testimony, posed questions to the Agency witnesses, or suggested any changes to the proposed regulatory language. The proposed regulations adhere to the requirements set out in the statute and are technically feasible and economically reasonable. As such, these regulations should be adopted.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Antonette R. Palumbo
Antonette R. Palumbo

Assistant Counsel
Division of Legal Counsel

DATED: October 1, 2020

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CERTIFICATE OF E-MAIL SERVICE

I, the undersigned, on affirmation, state the following:

That I have served the attached Post-Hearing Comments of the Illinois Environmental Protection Agency by e-mail upon:

Don Brown
Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218
Don.brown@illinois.gov

Marie Tipsord
General Counsel
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218
marie.tipsord@illinois.gov

Mark Kaminski
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218
Mark.kaminski@illinois.gov

Division Chief of Environmental Enforcement
Division of Legal Counsel
Office of the Attorney General
69 West Washington Street, Suite 1800
Chicago, IL 60602
enviro@atg.state.il.us

Virginia Yang
Deputy Counsel
Office of Legal Services
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702
Virginia.yang@illinois.gov

That my e-mail address is antonette.palumbo@illinois.gov.

That the number of pages in this e-mail transmission is 6.

That the e-mail transmission took place before 5:00 p.m. on the date of October 1, 2020.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Antonette R. Palumbo
Antonette R. Palumbo
Assistant Counsel
Division of Legal Counsel

DATED: October 1, 2020

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