

ILLINOIS POLLUTION CONTROL BOARD
December 10th, 2020

IN RE THE MATTER OF:)
)R2118
AMENDMENTS TO 35 ILL. ADM. CODE 219)
ORGANIC MATERIAL EMISSIONS.)
)

The report of proceedings had in the hearing of the above-entitled cause before HEARING OFFICER TIMOTHY FOX, called by the Pollution Control Board, taken by PAMELA A. MARZULLO, a Notary Public in and for the County of Pinellas and State of Florida, via Zoom, 1230 Gulf Boulevard, Clearwater Beach, Florida, on the 10th day of December, 2020, at the hour of 9:00 o'clock a.m.

1 PRESENT:

2 VANESSA HORTON, Board Attorney

3 DANIEL PAULEY, Board attorney

4 MR. ALEX DAVIS, Illinois Environmental Regulatory Group;

5 and

6 HEPLERBROOM

7 BY: MS. MELISSA BROWN

8 4340 Acre Grove Drive

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10 217-528-3674,

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on behalf of Premier Air Center;

13

ILLINOIS ENVIRONMENTAL protection agency

14 BY: MESSRS. CHARLES MATOESIAN and DANA Vetterhoffer

15 1021 North Grand Ave. E.

16 P.O. Box 19276

17 Chicago, Illinois 60610

18

on behalf of the Premier Air Center, Inc.

19

20 ALSO PRESENT:

21 MS. BARBARA FLYNN CURRIE, Chair

22 MS. JENNIFER VAN WIE, Board Member

23 MR. ANAD RAO, Board Technical Unit

24 MS. CYNTHIA SANTOS, Board Member

CHRIS DONAGHEY, Boeing

ESSENCE BROWN, Board Technical Unit

RANGANATH Gurram, Illinois EPA Air Quality Planning Section;

KRISTEN MARSHALL, Boeing

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1 HEARING OFFICER FOX: The time of 9:00 o'clock
2 having come, I appreciate everyone's flexibility
3 with some of the details that are required to
4 conduct a remote hearing such as this one.

5 I want to, first of all, introduce myself
6 and wish everyone a good morning and welcome them to
7 this Illinois Pollution Control Board hearing.

8 My name is Tim Fox, and I'm the Hearing
9 Officer for this rule making, which is entitled
10 "Amendments to 35 Illinois Administrative Code 219,
11 Organic Material Emission Standards for the Metro
12 East Area and 35 Illinois Administrative Code 211,
13 Definitions and General Provisions".

14 The Board docket number for this rule
15 making is R2118. Before we get to the substance of
16 these proposed rules, I want quickly to go through
17 some Board basic things.

18 First, introductions; second, technical
19 service; third, the procedure to date in this
20 docket; and then some housekeeping details,
21 including the order in which we plan to proceed
22 today.

23 First of all, introductions. Present
24 today from the Board are -- first of all, Board

1 Member Cynthia Santos, who is the lead Board Member
2 assigned to this proceeding; and I see that the
3 Board Chair, Barbara Flynn Currie, has also joined
4 the call.

5 In addition, present from the Board Staff
6 are Board Attorneys Vanessa Horton and Daniel
7 Pauley, who is assisting me as the host graciously
8 for this hearing today. And also present from the
9 Board's technical staff is Anand Rao and Essence
10 Brown.

11 Secondly, I want to address technical
12 information. As you all know, of course due to
13 Covid 19, in addition to this physical location in
14 Collinsville, we have allowed Webex participation
15 through both phone and computer.

16 For those participating by Webex, either
17 on the phone or using the call me feature for sound,
18 if you would like to speak during the hearing,
19 please take your phone off of speaker phone and talk
20 directly into the phone, as that will produce a much
21 clearer sound for the court reporter and all of the
22 other participants.

23 If you wish to speak, you will also need
24 to unmute yourself. Each person entering the Webex

1 feed will be muted upon entry.

2 If you are participating through a
3 computer, you can unmute yourself by clicking the
4 microphone Icon. And if you are participating
5 through a phone, you will need to push star 6 on
6 your keypad to unmute yourself and be recognized.

7 For the benefit of our court reporter, and
8 of course all of the other participants, please bear
9 in mind that there may be a slight delay with Webex
10 video; and please make every effort to speak clearly
11 and void speaking at the same time as another
12 person, which will help to produce a very clear
13 transcript.

14 Finally, we are recording the Webex feed
15 of today's hearing, in order to assist the court
16 reporter. Once the Board receives the transcript of
17 the hearing, we will post it to our clerk's office
18 online for approval and then destroy the recording
19 of the Webex feed.

20 Third, I will quickly review the Board's
21 procedure today. On October 5th of 2020, IEPA filed
22 this rule-making proposal, with a motion requesting
23 that the Board expedite this review.

24 In an order on October 15th, 2020, the

1 Board accepted the proposal and granted the motion
2 to expedite. Without commenting on the substantive
3 merits of the proposal, the Board submitted it to
4 first notice publication in the Illinois Register,
5 where it appeared on October 30th of 2020.

6 The Board published notice of the two
7 hearings to be held on this docket. On
8 October 20th, it appeared in the Springfield Journal
9 Register, the Chicago Sun Times, the LaSalle News
10 Tribune, the Rockford Journal Star, the Peoria
11 Journal Star and the Belleville News Democrat.

12 On October 21st, the notice appeared in
13 the Galena Gazette, the Champaign News-Gazette, the
14 Centralia and Mount Vernon Morning Sentinel, and the
15 Dispatch in Rock Island Argus.

16 Finally, on October 22nd, it appeared in
17 the Metropolis Planet. Today we are, of course,
18 holding the first hearing in this rule making. In
19 an order dated October 16th of 2020, the Hearing
20 Officer directed participants intending to testify
21 at this hearing to prefile that testimony by
22 November 19th.

23 On November 18th, the Board received
24 prefiled testimony on behalf of IEPA by Mr. Rory

1 Davis, who is present with us on this Webex call.

2 No other participants prefiled testimony.

3 To expedite the hearing, the Hearing
4 Officer also urged participants to prefile any
5 written questions, based on testimony by
6 December 3rd; and on that date, the Board Hearing
7 Officer Order included the Board questions on IEPA's
8 proposal.

9 If you want to note that yesterday,
10 December 9th, IEPA filed a motion to amend its
11 proposal, to the extent of the wording in
12 Section 219.208(f)(1) and (f)(4).

13 The Board has posted each of these
14 documents and filings to the Clerk's Office online
15 under this Docket No. R2118, filed promptly as they
16 were received.

17 Finally, and I thank you for your patience
18 for our housekeeping for this hearing. It is
19 governed by the Board's Procedural Rules; and under
20 Section 102.426 of those rules, all information that
21 is relevant, and it is not repetitious or
22 privileged, will be admitted by Hearing Officer into
23 the record.

24 Please bear in mind that any questions

1 posed today by the Board, or its staff, are intended
2 solely to help develop a complete and clear record
3 for the Board's ultimate decision; and those
4 questions do not reflect any determination, or any
5 judgment on the proposal, the testimony, or any
6 questions that are based upon it.

7 Although the Hearing Officer's order that
8 intended to begin today with IEPA prefiled testimony
9 and its witness, we may have a small number of
10 persons who wish to offer a public comment on the
11 proposal; and we can make an opportunity available
12 for them to offer brief comments, so that they may
13 remain in the hearing or leave, as they wish.

14 After that, we can begin with the prefiled
15 testimony of IEPA's witness under Section 102424(f)
16 of the Board's Procedural Rules. This prefiled
17 testimony will be entered into the record as if
18 read. IEPA's witness may begin with a brief
19 introduction or summary, if he wishes to do so.

20 I would intend, then, to turn to the
21 questions for the agency's witnesses. Again, the
22 Board has filed some of those, and you can turn to
23 the agency for any responses.

24 After those, we can see whether there is

1 anyone who did not prefile testimony, but wishes to
2 testify here today. And we can also see whether
3 anyone, before we conclude, wishes to offer a public
4 comment.

5 There will also be an opportunity for any
6 participants to testify or comment on the Board's
7 request with the Department of Commerce and Economic
8 Opportunity to perform an economic impact study of
9 the proposal required by the Environmental
10 Protection Act.

11 Does anyone have any questions about our
12 order of proceeding?

13 (No response.)

14 HEARING OFFICER FOX: Not seeing any
15 indication, or hearing any indication that anyone
16 does, why don't we turn, as I suggested, to see
17 whether anyone participating in this call wishes to
18 offer a brief public comment on the agency's
19 proposal.

20 Please, at this point, unmute yourself, if
21 you would, to indicate that you do wish to offer a
22 public comment.

23 (No response.)

24 HEARING OFFICER FOX: If you believe you are

1 speaking to us, and we're not responding, please
2 double check to make sure you have unmuted yourself.

3 If you do want to order a comment, we'll
4 just wait a second or two to make sure anyone wishes
5 to do so is able. I'm not seeing or hearing any
6 indication that anyone would like to start this
7 hearing with a public comment.

8 I think Mr. Matoesian and
9 Ms. Vetterhoffer, on behalf of the agency, that
10 we're prepared to turn to the agency witness,
11 Mr. Davis.

12 Is the agency prepared, Ms. Vetterhoffer
13 or Mr. Metoesian, to have the court reporter swear
14 Mr. Davis in?

15 MR. METOESIAN: Yes. This is Charles
16 Metoesian. I'm an attorney with the Division of
17 Legal Counsel. I'm appearing for the Agency today.

18 I have with me Mr. Rory Davis, who is the
19 Manager of the Regulatory Development Unit in the
20 Air Quality Planning Section of the Illinois EPA
21 Bureau of Air.

22 Also, as you indicated, Dana Vetterhoffer
23 is on the call. She is also an attorney. She's the
24 Deputy General Counsel of the Division of Legal

1 Counsel, and you can now swear in Mr. Davis, if you
2 would like.

3 (Mr. Rory Davis was duly sworn.)

4 HEARING OFFICER FOX: Thank you very much,
5 Madam Court Reporter. Mr. Davis, thank you for your
6 appearance today and for your written testimony on
7 the 18th of November.

8 Mr. Davis, thank you for your appearance,
9 which the Board appreciates. We do, as I mentioned,
10 have your prefiled written testimony. We proceed to
11 questions right away, or if the Agency -- if
12 Mr. Davis would like to offer a brief introduction
13 or summary, that would be fine.

14 MR. DAVIS: My name is Rory Davis. I am the
15 Manager of the Regulatory Development Unit in the
16 Bureau of Air at Illinois EPA. I became the manager
17 of that unit in March, but have been an
18 Environmental Protection Engineer in the Air Quality
19 Planning Section since 2005.

20 I was responsible for assembling the
21 technical support document or TSD, and will be
22 providing all the testimony for the agency, and will
23 try to answer any questions any participants have.

24 HEARING OFFICER FOX: Very good. Thank you

1 very much, Mr. Davis. The one set of questions in
2 our record today were submitted on December 3rd.

3 In speaking with the agency procedure --
4 before we begin, we can proceed through those in
5 numerical order?

6 MR. DAVIS: Yes. I did have one question,
7 whether the Board would like me to read those
8 questions in full before giving my answer. I do
9 have a full set of questions with answers.

10 HEARING OFFICER FOX: Why don't I do this,
11 Mr. Davis, since those have been available for about
12 a week, why don't I just take up the first one with
13 a brief summary of the substance of the question;
14 and we could hear the Agency's response for each of
15 those questions, if the opportunity is warranted for
16 those questions.

17 I agree that was coming through more
18 clearly. I'm going to repeat, just in case there is
19 any issues with the sound quality. What I will do,
20 Mr. Davis, is summarize each thing one by one, hear
21 the Agency's responses to the questions.

22 Mr. Davis, why don't you begin with
23 question number 1?

24 MR. DAVIS: In question No. 1, the Board asked

1 about the proposed definition of chemical milling
2 masking, and whether parenthetical, if needed, that
3 included different kinds of chemical milling
4 masking.

5 The Agency believes that the definition is
6 consistent with the one with Aerospace CTG. We
7 think the parenthetical provides some clarification;
8 but if the Board finds it to be redundant, then the
9 definition would also be sufficient without the
10 parenthetical.

11 HEARING OFFICER FOX: Mr. Davis, thank you.
12 Does anyone who is participating in the call have
13 any follow-up?

14 (No response.)

15 HEARING OFFICER FOX: Mr. Davis, I'm not seeing
16 the opportunity.

17 MR. DAVIS: The second question was also a JCAR
18 question, whether in the proposed definition for
19 commercial exterior aerodynamic structure primer,
20 there should be a change, generally to a comma, and
21 the placement of "and", whether it should be "and
22 landing gear and doors" to "landing gear," comma,
23 "and doors."

24 The Agency looked into this. We believe

1 the definition could refer to the landing gear and
2 the landing gear doors, and was intentionally
3 written, as proposed; and from the CTG, that's the
4 Agency that recommends that the proposed original
5 CTG language not be altered.

6 HEARING OFFICER FOX: Mr. Davis, thank you.
7 Does any participant have a problem with that issue?

8 (No response.)

9 HEARING OFFICER FOX: Neither seeing, nor
10 hearing anything, Mr. Davis, No. 3.

11 MR. DAVIS: Okay. Also, in public comment 1
12 from JCAR, a question in the proposed definition for
13 a commercial interior adhesive, should there be a
14 cross reference to the FAA's fire worthiness
15 requirements.

16 The Agency does not believe the cross
17 reference is necessary. The Aerospace CPG did not
18 provide a citation to the specific fire worthiness
19 requirements being contemplated.

20 Not clear why the citation is not
21 provided, but it may be to ensure that the most
22 up-to-date FAA requirements are applicable.

23 HEARING OFFICER FOX: Mr. Davis, again, thank
24 you. Is there any follow-up questions? Please

1 unmute yourself, if you would like to raise them. .

2 (No response.)

3 HEARING OFFICER FOX: Neither seeing nor
4 hearing anything, continue.

5 MR. DAVIS: The next several questions are of
6 the same sort. So, in public comment 1, JCAR noted
7 that the VOM limit in Section 219.204R2N for
8 interior adhesives is .750 kilograms per liter, when
9 the federal limit and the CPG is .760. And then the
10 Board asked for comment on why it would be more
11 restrictive than the federal standard.

12 The limit for the answer -- the limit for
13 this category should, indeed, be 0.760 kilograms per
14 liter as the Board suggests.

15 It appears that in drafting -- in the
16 drafting process, a rounding error was accidentally
17 introduced, due to the number of significant digits
18 that would appear in the rule.

19 So, for the next few questions, the limit
20 contained in the CTG should be used; and, in all
21 cases, the parenthetical pounds-for-gallon limits
22 are correct, as proposed, because they were not
23 affected by that error.

24 So, in each case, the suggested ones from

1 the Board or JCAR is correct; but in all cases, also
2 the English units for pounds per gallon are also
3 correct, as proposed.

4 I'll go ahead and go through those.

5 HEARING OFFICER FOX: Actually, Mr. Davis, I
6 think you have made clear that for questions No. 4
7 through 9, that these simpler questions about the
8 substances, that the standard from Federal Rules
9 based on the CTG is the correct for each one of
10 those.

11 Am I understanding you correctly?

12 MR. DAVIS: Yes. So, the limits in the CTG are
13 what was intended by the Agency, and we were not
14 intending them to be slightly more stringent.

15 HEARING OFFICER FOX: Secondly, I think I
16 understood you correctly. Please set me straight,
17 if necessary.

18 Originally, the proposed equivalence, the
19 parenthetical was in pounds per gallon is correct,
20 as proposed, and are not to be adjusted to
21 correspond to the CPG. Am I correct in that?

22 MR. DAVIS: That is correct.

23 HEARING OFFICER FOX: And that would apply to
24 each of the questions No. 4 through 9 apply to

1 different substances; am I correct about that?

2 MR. DAVIS: That's correct. There is a
3 one-sentence quick answer, if you like. I could
4 just rattle off the answers for the record.

5 HEARING OFFICER FOX: Why don't we do that, and
6 that would give anyone who had a follow-up question
7 a chance to address those specifically.

8 Can you be clear about which question,
9 that addresses those? Mr. Davis, please go ahead.

10 MR. DAVIS: Question 5, the answer is "This
11 limit should be 0.645 kilograms per liter," and the
12 5.4 pounds per gallon equivalent is correct.

13 Question 6, "This limit should be zero
14 .880 kilograms per liter," and the 7.3
15 pounds-per-gallon equivalent is correct.

16 Question 7, "This limit should be
17 0.880 kilograms per liter," and the
18 7.3 pounds-per-gallon equivalent is correct.

19 Question 8, "This limit should be
20 0.880 kilograms per liter," and the
21 7.3 pounds-per-gallon equivalent is correct.

22 And question 9, "This limit should be
23 0.675 kilograms per liter," and the
24 5.6 pounds-per-gallon equivalent is correct.

1 HEARING OFFICER FOX: Mr. Davis, thank you for
2 that specific clarification.

3 Is there any participant who wishes to
4 follow up on any of those questions that Mr. Davis
5 just listed?

6 MR. RAO: This is Anand Rao here. I have a
7 quick clarification question for Rory. I think it's
8 -- let me see.

9 Question 7 and also question 8, it says
10 that the VOM content limit in Section 219204R2SS
11 were scaled inhibitor is .870 KD per liter, when the
12 federal limit is 0.880 KD per liter.

13 Can you comment on whether the federal
14 limit can change, or is it set at .880 KD per liter?

15 HEARING OFFICER FOX: Mr. Davis, unmute.

16 MR. DAVIS: Sure. The federal limit is not
17 actually a federal limit. It's more what is in the
18 Control Techniques Guidelines, just to characterize
19 that as a suggested limit from the CTG.

20 I think there's another question about
21 this later on. As far as can it change, we don't
22 often see the controls that the guidelines
23 revisited.

24 Generally, the CTG categories are set as a

1 category, and then the State is responsible for, you
2 know, whatever reason, wherever you are in
3 non-containment areas classification to make rules,
4 if they are necessary; and then the requirement is
5 just to have RACT rules and the CPGs provide model
6 rules that would qualify it's RACT.

7 It is possible that they could revisit the
8 CTG and move some of these limits around, but I
9 think it's unlikely.

10 HEARING OFFICER FOX: Okay, thank you.

11 MR. RAO: Sorry for jumping the gun.

12 HEARING OFFICER FOX: Sure. On those questions
13 No. 4 through 9 that Mr. Davis just addressed, does
14 any participant have a follow-up question?

15 (No response.)

16 HEARING OFFICER FOX: Mr. Davis, I'm not seeing
17 or hearing anyone. No. 10?

18 MR. DAVIS: Okay. In question 10, it's also
19 from public comment 1 from JCAR. They questioned
20 whether the reference proposed in had 219.205(k)(2)
21 should include a citation to the Federal Register
22 regarding the USEPA's Emission Trading Policy
23 Statement.

24 When the Agency looked at this, we found

1 that there are a number of references to USEPA's
2 trading policy statement throughout Part 219.

3 In some instances, the suggested citation
4 from JCAR is given; and in others, it is not. So,
5 the Agency believes either is appropriate and will
6 defer to the Board's preference.

7 HEARING OFFICER FOX: And, Mr. Davis, if I may
8 clarify here slightly, is it the Agency's position
9 that these should be added to each of these
10 references in Part 19 in the Board's discretion?

11 MR. DAVIS: Yes, I think so. For example,
12 there's 219.205. This is K2 that is an amendment.

13 There's also an H and an I and a J2.
14 There's very similar language. In some cases, the
15 Board has included the reference and some hasn't. I
16 thinks it's about half and half.

17 So, yes, if the Board would like to
18 include the reference, then that would be fine. If
19 they did not, it would not be unusual also.

20 HEARING OFFICER FOX: Thank you for that
21 clarification, Mr. Davis.

22 Does anyone wish to offer a follow-up
23 question on No. 10?

24 (No response.)

1 HEARING OFFICER FOX: Neither seeing or hearing
2 any, No. 11 is an issue that I believe HP has
3 addressed in it's motion to amend its proposal as
4 filed yesterday. Specifically, changing a reference
5 to subsection F6 to a reference to Section 4.

6 Does anyone wish to have a follow-up on
7 that or a motion to amend?

8 (No response.)

9 HEARING OFFICER FOX: Neither hearing or seeing
10 any, Mr. Davis, No. 12, please?

11 MR. DAVIS: Okay. In public comment 1, JCAR
12 also questions why in 219.219B, certain work
13 practice standards -- certain activities for
14 cleaning aerospace components may take place are
15 exempted from the proposed rules.

16 The sole basis for the exclusion of these
17 activities was consistency with the requirements of
18 the Aerospace CTG. USEPA developed a guideline,
19 including the cited exclusions, based on its
20 expertise in the field and input provided by
21 stakeholders.

22 The Agency recommends that the exclusions
23 be retained in the rules.

24 HEARING OFFICER FOX: Any follow-up questions?

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(No response.)

HEARING OFFICER FOX: Mr. Davis, question 12?

MS. BROWN: Yes, Mr. Hearing Officer. This is Melissa Brown. First and foremost, can you hear me all right?

HEARING OFFICER FOX: Yes.

MS. BROWN: Okay, thank you. My question is that I just want to confirm that those facilities that came under proposed Section 219.208(f)(1), that takes a limit of under 25 tons per year of volatile organic material, those facilities that take the less than 25 tons-per-year limit, before the compliance date of the rule, are exempted from the entire Subpart F, which includes the cleaning requirements in Section 219.219, correct?

MR. DAVIS: Yes, I believe that is the case. And while I say I believe that is the case, perhaps it would be better to address that in a post-hearing comment also, so we can take a second look at that and make sure. Yes, I believe that is the case.

MS. BROWN: Okay, thank you. And then since I mentioned the point of the compliance date, I just want to confirm, I believe this was in an Agency's filing, but it's your understanding that the

1 compliance date for the rule will be changed from
2 January 1st and will no longer be January 3rd, 2021,
3 correct?

4 MR. DAVIS: That's right. The Agency does
5 acknowledge that compliance date would not be
6 appropriate and has said so.

7 So, we said we would examine it closer to,
8 you know, any adoption, or perhaps when the second
9 hearing is resolved and post-hearing comments.

10 So, we will have more information then.
11 But, yes, that is correct.

12 MS. BROWN: Thank you very much. That's all I
13 have.

14 HEARING OFFICER FOX: Any additional follow-up
15 questions on No. 12 for Mr. Davis?

16 (No response.)

17 HEARING OFFICER FOX: Neither seeing nor
18 hearing any, Mr. Davis, No. 13 appears to be in
19 order.

20 MR. DAVIS: Okay. Question 13 is regarding the
21 question I brought up earlier. Is IEPA aware of any
22 updates or reviews of the Aerospace EPG; and if
23 we're not aware, does it expect any updates or
24 reviews in the future?

1 use of specially coating by potentially affected
2 sources is consistent with the CTG document, and I
3 believe that is asking about potentially affected
4 sources in Illinois; and the Agency can say that,
5 yes, the discussions with the potentially affected
6 sources during outreach appears to support that
7 characterization in the TSD.

8 I'll just repeat it. The discussions with
9 potentially-affected sources, during outreach for
10 this rule making, do support the characterization in
11 the TSD and in the CTG, specialty coatings used
12 account for a small minority of the emissions of
13 active sources.

14 HEARING OFFICER FOX: Is there anyone who
15 wishes to raise any follow-up questions?

16 (No response.)

17 HEARING OFFICER FOX: Neither seeing nor
18 hearing any, Mr. Davis, No. 15.

19 MR. DAVIS: Okay. Question 15 is also about
20 the technical support document, page 8,
21 Section 5.1.2.2 refers to comments regarding a 2015
22 review of the aerospace NESHAP, and IEPA provides a
23 copy of those comments, for the record, and does
24 this review include any review of the aerospace EPG?

1 If so, can Illinois EPA provide a copy for the
2 record?

3 The Agency will provide a copy of those
4 comments, the post-hearing comments if not sooner,
5 and the review did not include a review of the
6 Aerospace EPG.

7 HEARING OFFICER FOX: Thank you, Mr. Davis.
8 Any follow-up?

9 MR. RAO: This Anand Rao. I have a follow-up
10 question.

11 Mr. Davis, can you clarify, for the
12 record, if any of the potential sources are covered
13 by the NESHAP rules?

14 MR. DAVIS: I'm not certain. NESHAP is
15 National Emissions Standards for Hazardous Air
16 Pollutants, N-E-S-H-A-P.

17 I'm not aware that any of the sources in
18 Illinois are subject to the NESHAP. I could double
19 check that, but I believe that they are not. Again,
20 I would have to double check that, and I can follow
21 up to the Board in these comments.

22 MR. RAO: Thank you. That's all I have.

23 HEARING OFFICER FOX: Does any other
24 participant have a follow-up question?

1 (No response.)

2 HEARING OFFICER FOX: Not seeing or hearing
3 any, Mr. Davis, we're ready to proceed.

4 MR. DAVIS: Okay. Question 16 is also from the
5 technical support document from Section 5.2 The
6 document states the "Add-on controls may not be cost
7 effective for smaller sources, and would Illinois
8 EPA comment on how it would classify sources, if
9 smaller or larger, and it considers potentially
10 affected sources to be large or small for this cost
11 effectiveness."

12 The Agency does not have a specific
13 threshold for what it would consider a small or
14 large source, with respect to this statement from
15 the TSD.

16 The CTG and the proposed coating limits in
17 it are generally considered to be cost effective
18 control measures to meet the RACT requirements. The
19 Agency and the TSD only meant that a significant
20 capital outlay for installing and operating controls
21 would be less likely for smaller sources to employ,
22 especially when compliant coatings are ready
23 commercially available.

24 HEARING OFFICER FOX: Thanks, Mr. Davis. Any

1 follow-up?

2 (No response.)

3 HEARING OFFICER FOX: Not seeing or hearing
4 any, No. 17, please.

5 MR. DAVIS: Okay. Question 17 is also about
6 the technical support document page 9, Section 6.0,
7 Illinois EPA states, "The coatings applied to
8 exterior of airplanes are exempt from the
9 miscellaneous metal parts and product limits."

10 And the question is: Would we please cite
11 the specific source of this exemption? Those
12 exemptions are both found in 211, the definitions
13 for those.

14 In the definitions for miscellaneous metal
15 parts and product coatings at Section 211.3850, and
16 in the definition for miscellaneous metal parts and
17 products coating line at 211.3870.

18 HEARING OFFICER FOX: Thank you, Mr. Davis.
19 Any follow up?

20 (No response.)

21 HEARING OFFICER FOX: We are ready, Mr. Davis,
22 for No. 18.

23 MR. DAVIS: Okay. This question is about page
24 9 of the technical support document in Section 7.0.

1 The Illinois EPA refers to reviewing other state's
2 regulations in drafting its proposal.

3 "Would Illinois EPA comment on which
4 state's regulation it reviewed, and how the
5 regulations compare with this proposal?"

6 I believe we looked at a number of states
7 to see how the regulations were structured and how
8 consistent they were with the CTG requirements.

9 This is a common check that the Agency
10 generally performs to make sure we have not missed,
11 you know, maybe an update of some kind. The states
12 that we reviewed were very consistent with the CTG.

13 Specifically, I think we looked at Ohio,
14 Indiana and New Jersey, probably some others. I
15 don't remember all. But, you know, at certain
16 points you don't keep looking.

17 HEARING OFFICER FOX: Any follow-up from the
18 Agency?

19 (No response.)

20 HEARING OFFICER FOX: Mr. Davis, not seeing or
21 hearing, No. 19, the Board's final statement.

22 MR. DAVIS: Okay. Question 19 is regarding the
23 technical support document in Section 7.2, and
24 that's on page 12.

1 The document states that it proposes the
2 CTG's RACT level control for coating application
3 processes as using one or more of nine listed
4 techniques, two of which are HVLP spraying and
5 electrostatic spray.

6 It also allows any other coating spray
7 application methods that achieve transfer efficiency
8 equivalent to HVLP or electrostatic spray
9 applications, and then asks for comments on why
10 these two techniques are the standard for an
11 alternative.

12 And, also, to comment on why the proposed
13 rules would not allow the use of alternative
14 non-spray coating application methods.

15 So, the answer would be that the HVLP and
16 the electrostatic spray application methods are the
17 ones required in the rule language at 219.219(e)(7).

18 Other methods are acceptable, if their
19 transfer efficiencies are equivalent to those two
20 methods, and if they are approved by the Agency.

21 These methods are the standard for an
22 alternative, because they are the methods that were
23 considered RACT and required by the CPG.

24 I and the Agency are not aware of coating

1 application methods that would be considered
2 non-frail to those mentioned in the CPG and TSD.
3 Those are flow coatings, dip coating, roll coating,
4 brush coating and cotton tips swab applications.

5 Those methods would generally be
6 considered to add transfer efficiencies better than
7 the spray coating methods, and this is just because
8 spraying coatings with VOM, you atomize the
9 particles, and there are more emissions.

10 And, so, dip coating, or roll, or brush
11 coating is going to have -- generally going to have
12 better transfer efficiencies than spraying the
13 coating on. So, a non-spray alternative to those
14 may be acceptable, if it had a transfer efficiency
15 equivalent to HVLP or electrostatic spraying.

16 It's just unclear what those alternatives
17 might be.

18 HEARING OFFICER FOX: Is there a follow-up
19 question to Mr. Davis' response?

20 (No response.)

21 HEARING OFFICER FOX: Not seeing or hearing
22 any, and that brings us to the end of the Board's
23 questions.

24 Is there any other participants that

1 wishes to ask any questions of the Agency's proposed
2 testimony?

3 (No response.)

4 HEARING OFFICER FOX: I'm not seeing or hearing
5 any, do we have today in this Webex feed anyone who
6 did not prefile testimony, but who wishes to offer
7 testimony today?

8 (No response.)

9 HEARING OFFICER FOX: Again, I'm not seeing or
10 hearing any indication that anyone did not prefile
11 wishes to testify today.

12 Do we have anyone who wishes to offer a
13 public comment on the Agency's proposal or on its
14 testimony here today that has not yet done so?

15 (No response.)

16 HEARING OFFICER FOX: I can take a moment to
17 make sure people are unmuting themselves who appear
18 to not be responding.

19 There's no indication that anyone on this
20 call is wishing to offer a public comment. What I
21 would like to do somewhat abruptly is take a moment,
22 as I mentioned, to address the issue of an economic
23 impact statement.

24 Section 27B of the Environmental

1 Protection Act provides that the Board must request
2 that the Department of Commerce and Economic,
3 Opportunity known as DCEO, conduct an economic
4 impact study of proposed rules before the Board
5 adopts the rules.

6 The Board must make either the study or
7 the Department's explanation for not conducting one
8 available to the public at least 20 days before a
9 public hearing.

10 In a letter dated October 15th, 2020, the
11 Board's Chair, Barbara Flynn Currie, requested the
12 DCEO conduct an economic impact study of this
13 specific proposal and requested a response no later
14 than November 30th of 2020.

15 Today, the Board has not received a
16 response to that request. While I intend also to
17 address this at the second hearing, is there anyone
18 present today who would like to testify or comment
19 regarding either the Board's request for a study
20 and/or DCEO's response?

21 (No response.)

22 HEARING OFFICER FOX: Not seeing or hearing any
23 indication to that effect, Madam Court Reporter, I
24 think we've reached the point where we can go off

1 very briefly to address procedural issues.

2 If we may go off the record just for a
3 moment.

4 (Discussion off the record.)

5 HEARING OFFICER FOX: Madam Court Reporter, you
6 may rejoin us and resume the transcript, please.

7 I do want the record to reflect that the
8 Board briefly went off the record with the
9 participants to discuss procedural issues relating
10 to deadlines, and we are now back on the record.

11 I do want to stress that copies of the
12 transcript of today's hearing are expected to be
13 available no later than December 17th of 2020, one
14 week from today, of course.

15 When the Board receives that transcript,
16 it will post it to the Clerk's Office online or COOL
17 (Phonetic) from which it could be viewed, printed
18 and downloaded immediately.

19 The second hearing in this proceeding is
20 scheduled on Thursday, January 7th, 2021, at
21 9:00 a.m., by video conference between the Board's
22 Chicago and Springfield offices, with additional
23 participation through Webex.

24 I do want to note for the participants

1 that January 7th is a day on which the Board has
2 scheduled a regular Public Board Meeting at
3 11:00 a.m. on that date. That, if necessary, we
4 will recess the hearing so that the Board could
5 conduct that meeting and resume very soon after the
6 meeting had concluded.

7 The deadline to prefile testimony for the
8 second hearing is December 30th, 2020. The Board
9 video conference hearing is on January 7th.

10 The Board rules require that any document
11 to be offered as a hearing exhibit must be received
12 by the Board's clerk at least 24 hours before the
13 Board is scheduled at the start of the hearing at
14 9:00 a.m. on January 7th.

15 If it is not filed by that deadline, the
16 exhibit may, nonetheless, be filed as a public
17 comment after the hearing adjourns.

18 At the conclusion of the second hearing,
19 the Board adjourns, we will set a deadline for any
20 post-hearing comments. We want to ensure to the
21 participants that that opportunity remains open. It
22 seems premature to set a deadline at this point.

23 Are there any other matters that we need
24 to address at this time, before we adjourn the first

1 hearing?

2 Mr. Metoesian, on behalf the Agency, are
3 you prepared to adjourn this hearing on the IEPA
4 proposal.

5 MR. METOESIAN: Yes, I am, sir.

6 HEARING OFFICER FOX: Very good. I do want,
7 Madam Court Reporter, if you would help me correct
8 an oversight.

9 I do see that we were joined on this
10 joined by Board Member Jennifer Van Wie name,
11 spelled capital V-a-n, space, W-i-e. I would like
12 the record to reflect she joined us and the
13 oversight is entirely mine.

14 Anything further before we do officially
15 adjourn?

16 (No response.)

17 HEARING OFFICER FOX: I am not seeing or
18 hearing anything at all. This hearing is adjourned,
19 and I appreciate the participation of all.
20 Mr. Davis, particularly your questions are helpful
21 for the Board. Thank you, and we will see you again
22 on January 7th in the new year.

23 (WHICH WERE ALL THE PROCEEDINGS HAD.)

24

1 STATE OF ILLINOIS)

2 COUNTY OF COOK)

3 I, Pamela A. Marzullo, Court Reporter, certify that
4 I was authorized to and did stenographically report the
5 foregoing proceedings; and that the transcript is a true and
6 complete record of my stenographic notes.

7

8 I further certify that I am not a relative,
9 employee, attorney or counsel of any of the parties, nor am
10 I relative or employee of any of the parties' attorney or
11 counsel connect4d with the action, nor am I financially
12 interested in the actions.

13

14 Dated this 12th day of December, 2020

15

16

PAMELA A. MARZULLO
Notary Public
GG 156897
My Commission expires 10/31/2022

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<p style="text-align: center;">A</p> <p>a.m 1:13 34:21 35:3,14 able 10:5 above-entitled 1:8 abruptly 32:21 acceptable 30:18 31:14 accepted 6:1 accidentally 15:16 account 25:12 achieve 30:7 acknowledge 23:5 Acre 2:7 Act 9:10 33:1 action 37:11 actions 37:12 active 25:13 activities 21:13,17 add 31:6 Add-on 27:6 added 20:9 addition 4:5,13 additional 23:14 34:22 address 4:11 17:7 22:18 32:22 33:17 34:1 35:24 addressed 19:13 21:3 addresses 17:9 adhesive 14:13 adhesives 15:8 adjourn 35:24 36:3,15 adjourned 36:18 adjourns 35:17,19 adjusted 16:20 ADM 1:3 Administrative 3:10,12 admitted 7:22 adoption 23:8 adopts 33:5</p>	<p>aerodynamic 13:19 aerospace 13:6 14:17 21:14,18 23:22 24:6 25:22,24 26:6 agency 2:10 8:23 10:9,10,12,17 11:11,22 12:3 13:5,24 14:4,16 16:13 19:24 20:5 21:22 23:4 24:1 25:4 26:3 27:12,19 29:9,18 30:20,24 36:2 agency's 8:21 9:18 12:14,21 20:8 22:23 32:1 32:13 agree 12:17 ahead 16:4 17:9 air 2:9,13,19 10:20,21 11:16 11:18 24:11 26:15 airplanes 28:8 ALEX 2:4 allow 30:13 allowed 4:14 allows 30:6 altered 14:5 alternative 30:11 30:13,22 31:13 alternatives 31:16 amend 7:10 21:3 21:7 amendment 20:12 Amendments 1:3 3:10 ANAD 2:17 Anand 4:9 18:6 26:9 and/or 33:20 answer 11:23 12:8 15:12 17:3,10</p>	<p>30:15 answers 12:9 17:4 appear 15:18 32:17 appearance 11:6 11:8 appeared 6:5,8,12 6:16 appearing 10:17 appears 15:15 23:18 25:6 applicable 14:22 application 30:2,7 30:14,16 31:1 applications 30:9 31:4 applied 28:7 apply 16:23,24 appreciate 3:2 36:19 appreciates 11:9 appropriate 20:5 23:6 approval 5:18 approved 30:20 Area 3:12 areas 19:3 Argus 6:15 asked 12:24 15:10 asking 24:17 25:3 asks 30:9 assembling 11:20 assigned 4:2 assist 5:15 assisting 4:7 atomize 31:8 attorney 2:2,3 10:16,23 37:9,10 Attorneys 4:6 authorized 37:4 available 8:11 12:11 24:23,23 27:23 33:8 34:13 Ave 2:11</p>	<p>aware 23:21,23 24:1,24 26:17 30:24</p> <hr/> <p style="text-align: center;">B</p> <p>back 34:10 Barbara 2:16 4:3 33:11 based 7:5 8:6 16:9 21:19 basic 3:17 basis 21:16 Beach 1:12 bear 5:8 7:24 behalf 2:9,13 6:24 10:9 36:2 believe 9:24 13:24 14:16 21:2 22:16,17,20,23 24:9 25:3 26:19 29:6 believes 13:5 20:5 Belleville 6:11 benefit 5:7 better 22:18 31:6 31:12 Board 1:1,9 2:2,3 2:16,17,17,18 3:7,14,17,24,24 4:1,3,5,6 5:16 5:23 6:1,3,6,23 7:6,7,13 8:1,22 11:9 12:7,24 13:8 15:10,14 16:1 20:15,17 26:21 33:1,4,6 33:15 34:8,15 35:1,2,4,8,10,13 35:19 36:10,21 Board's 4:9 5:20 7:19 8:3,16 9:6 20:6,10 29:21 31:22 33:11,19 34:21 35:12 Boeing 2:18,19</p>	<p>Boulevard 1:12 Box 2:12 brief 8:12,18 9:18 11:12 12:13 briefly 34:1,8 brings 31:22 brought 23:21 Brown 2:6,18 4:10 22:3,4,7,21 23:12 brush 31:4,10 Bureau 10:21 11:16</p> <hr/> <p style="text-align: center;">C</p> <p>call 4:4,17 7:1 9:17 10:23 13:12 32:20 called 1:9 capital 27:20 36:11 case 12:18 15:24 22:16,17,20 cases 15:21 16:1 20:14 categories 18:24 category 15:13 19:1 cause 1:8 Center 2:9,13 Centralia 6:14 certain 21:12,13 24:5 26:14 29:15 certify 37:3,8 CFR 24:7 Chair 2:16 4:3 33:11 Champaign 6:13 chance 17:7 change 13:20 18:14,21 changed 23:1 changing 21:4 characterization</p>
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