

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )

)

NATIONAL AMBIENT AIR QUALITY ) R13-11

STANDARDS, USEPA REGULATIONS )

(THROUGH JULY 1, 2012) )

**RECEIVED**  
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JUL 01 2013

STATE OF ILLINOIS  
Pollution Control Board

TRANSCRIPT FROM THE PROCEEDINGS

taken before the HEARING OFFICER MICHAEL McCAMBRIDGE  
by LORI ANN ASAUSKAS, CSR, RPR, a notary public  
within and for the County of Cook and State of  
Illinois, at the Illinois Pollution Control Board,  
1021 North Grand Avenue East (North Entrance),  
Sangamo Room, Springfield, Illinois, on the 26th  
day of June 2013, A.D., at 11:00 o'clock a.m.

1 A P P E A R A N C E S:

2 ILLINOIS POLLUTION CONTROL BOARD,  
3 100 West Randolph Street  
4 Suite 11-500  
5 Chicago, Illinois 60601  
6 (312) 814-3461  
7 BY: MR. MICHAEL J. McCAMBRIDGE, HEARING  
8 OFFICER

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14 BY: MR. ALEC M. DAVIS,

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21 charles.matoesian@illinois.gov  
22 BY: MR. CHARLES MATOESIAN,

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BOARD MEMBERS PRESENT:

Ms. Jennifer Burke  
Dr. Deanna Glosser

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

Mr. Kenneth Mohr

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NO EXHIBITS MARKED

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HEARING OFFICER McCAMBRIDGE: This is the public hearing in the Docket R13-11 National Ambient Air Quality Standards, USEPA Regulations through December 31, 2012.

My name is Mike McCambridge. I am a hearing officer. To my right is Board Member Jennifer Burke attending. The other attending Board Member to my left is Dr. Deanna Glosser.

This proceeding considers the board proposal adopted on May 16th, I believe, of this year and that proposal basically attempts to incorporate all of the USEPA ambient air quality standards into the Illinois -- existing Illinois regulations for ambient air quality at 35 Illinois Administrative Code Part 243.

Before we go further, could the agency identify himself?

MR. MATOESIAN: Charles Matoesian appearing for Illinois Environmental Protection Agency.

HEARING OFFICER McCAMBRIDGE: And ERG?

MR. DAVIS: Alec Davis on behalf of

1 the Illinois Environmental Regulatory Group or ERG.

2 HEARING OFFICER McCAMBRIDGE: Now,  
3 last week the Board received a pre-filed testimony  
4 of Mr. Kolaz.

5 MR. KOLAZ: That's fine. Sure. Yes.

6 HEARING OFFICER McCAMBRIDGE: Is that  
7 how it's pronounced?

8 MR. KOLAZ: Yes, it's Kolaz. Right.

9 HEARING OFFICER McCAMBRIDGE: Okay.  
10 Mr. David Kolaz. It was requested that we enter  
11 this into the record as if read. Is everyone good  
12 with that?

13 Okay. Then we will enter this  
14 into the record as if record. Do you have a copy,  
15 stenographer?

16 THE COURT REPORTER: Yes.

17 HEARING OFFICER McCAMBRIDGE: Okay.

18 Very good.

19 Does anyone have any questions  
20 first?

21 (Whereupon, Ms. Sims  
22 entered the proceedings.)

23 HEARING OFFICER McCAMBRIDGE: Another  
24 person has come in. Could you identify yourself for

1 the record?

2 MS. SIMS: Jackie Sims with the  
3 Illinois EPA.

4 HEARING OFFICER McCAMBRIDGE: Okay.  
5 Very good.

6 Mr. Kolaz, do you have anything  
7 to add to the testimony that you have submitted  
8 here?

9 MR. KOLAZ: No, I do not.

10 HEARING OFFICER McCAMBRIDGE: Okay.  
11 Does anyone have any questions? Does the Agency  
12 have any questions with regard to the testimony?

13 MR. MATOESIAN: No.

14 HEARING OFFICER McCAMBRIDGE: No  
15 questions with regard to the testimony? Member  
16 Glosser?

17 BOARD MEMBER GLOSSER: No questions.

18 BOARD MEMBER BURKE: No questions.

19 HEARING OFFICER McCAMBRIDGE: No  
20 questions. I want to make sure that I fully  
21 understand the portion about the sunset provisions  
22 and then the comment about the wrong -- the use  
23 of the wrong standard in the Board's opinion.

24 On Page 50 of the Board's opinion,

1 the ozone NAAQS or the sunset for the 1979 ozone  
2 NAAQS is discussed and do you have a copy of that  
3 opinion in front of you?

4 MR. DAVIS: Yes. Yes, we do.

5 HEARING OFFICER McCAMBRIDGE: Okay.  
6 Before asking the question, I should have you sworn.

7 MR. KOLAZ: Okay.

8 HEARING OFFICER McCAMBRIDGE: Would  
9 you swear in the witness?

10 (Witness sworn.)

11 WHEREUPON:

12 D A V I D K O L A Z

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

15 D I R E C T E X A M I N A T I O N

16 By Hearing Officer McCambridge

17 Q. In this discussion, there are  
18 references to the 2008 primary and secondary  
19 eight-hour standard. You state that those are  
20 incorrect, that that should be the 1997 standard,  
21 correct?

22 A. In the reference -- in the Board's  
23 opinion on sunseting in 1979 one-hour standard,  
24 it was my understanding in reviewing that that

1 the Board did not believe that that 1979 one-hour  
2 standard should be sunset yet and referred to the  
3 2008 ozone standard, but there was also a 1997  
4 ozone standard.

5 And it's my opinion that the  
6 1979 one-hour standard should be sunset -- should  
7 not be part of the air quality standards for  
8 Illinois because they have been revoked and are  
9 sunset.

10 The 1997 standards, on the other  
11 hand, should be and could because even though we  
12 have 2008 ozone standard, there are still some  
13 lingering requirements.

14 Q. Okay. The question is, though, do  
15 you assert that the references there to the 2008  
16 standard is the trigger, are incorrect, and those  
17 should be changed to a 1997 standard, correct?

18 A. Yes, right, right.

19 Q. Okay. Very good. There were four  
20 appearances that I have noted and I will ensure  
21 that that is corrected.

22 now, the Agency, as I read the  
23 federal regulations, the Agency is now free to  
24 petition to get out of underneath the maintenance



1 plan requirement for the -- I think it was the 1979  
2 standard. Then the July 20th trigger date, which  
3 will pass, now, in this paragraph that concludes  
4 that -- that begins with "thus," it appears that  
5 the 1979 one-hour NAAQS for ozone will not apply  
6 to any area of Illinois after July 20, 2013; is  
7 that correct?

8 A. I think that -- that that standard  
9 does not apply now because it's been revoked --  
10 formally revoked for Illinois. There may at times  
11 be lingering requirements in the state's  
12 implementation plan, but those can still apply  
13 even without the air quality standard being in  
14 place.

15 Q. Okay.

16 A. That's my view. So -- so I see that  
17 once the USEPA has formally revoked an air quality  
18 standard as applying to the state of Illinois, then  
19 that would be the trigger for removing that  
20 standard, but I want to emphasize there could still  
21 be some state implementation plan requirements that  
22 would apply to prevent what's called backsliding.

23 Those would stand on their own  
24 and not be dependent upon having the all quality

1 standard in place.

2 Q. If I'm not mistaken, I think the  
3 federal regulations -- and I think it may be  
4 40 CFR 81.314, but I'm not certain at this point.  
5 They basically recite the standard is gone, but  
6 the maintenance plan will ensure that that number  
7 is not violated --

8 A. Right.

9 Q. -- even though it's not there in the  
10 regulation.

11 With regard to the SO2, the  
12 SO2 is waiting for USEPA designations -- area  
13 designations in Illinois; is that correct?

14 A. That's correct. Those are past due,  
15 but, yes.

16 HEARING OFFICER McCAMBRIDGE: Okay.  
17 Mr. Matoesian, do you have any idea what the status  
18 of that is with the USEPA?

19 MR. MATOESIAN: I do not. Jackie,  
20 do you have any idea?

21 MS. SIMS: They are supposed to be  
22 submitting the letter sometime soon.

23 MR. MATOESIAN: We are submitting it?

24 MS. SIMS: The feds will have to

1 formally delegate the areas.

2 MR. MATOESIAN: Oh, the feds. Okay.

3 HEARING OFFICER McCAMBRIDGE: You  
4 know, considering that this is a subject area that  
5 is new for the Board's involvement in this way of  
6 generating proposal and regulations, is it possible  
7 that the Agency, through the succeeding cycles of  
8 updates to the NAAQS -- well, I'll just request  
9 that the Agency would inform the Board if there is  
10 something happening, like, you know, I -- I will  
11 watch for federal actions, but that doesn't  
12 necessarily mean that I have seen them all.

13 MR. MATOESIAN: Okay.

14 HEARING OFFICER McCAMBRIDGE: And some  
15 are done by letter that never make the Federal  
16 Register or Code of Federal Regulations. If the  
17 Agency could inform the Board and carefully respond  
18 to responses for public comment, and I would ask the  
19 same of ERG and the rest of the regulating  
20 community. We want to get it right.

21 MR. DAVIS: Absolutely.

22 HEARING OFFICER McCAMBRIDGE: Does  
23 anyone have anything more? No questions? No  
24 questions? Okay.

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In that case, this hearing is  
concluded and we are adjourned.

(Whereupon, the proceedings  
were adjourned.)

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STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF C O O K )

I, LORI ANN ASAUSKAS, CSR, RPR,  
do hereby state that I am a court reporter doing  
business in the City of Chicago, County of Cook,  
and State of Illinois; that I reported by means  
of machine shorthand the proceedings held in the  
foregoing cause, and that the foregoing is a true  
and correct transcript of my shorthand notes so  
taken as aforesaid.

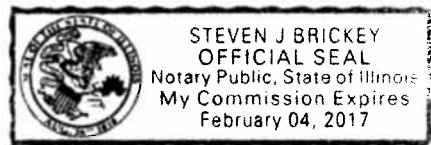
Lori Asauskas

Lori Ann Asauskas, CSR, RPR.

Notary Public, Cook County, Illinois

SUBSCRIBED AND SWORN TO  
before me this 28<sup>th</sup> day  
of June, A.D., 2013.

SAJB  
Notary Public



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