

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE 217,) R25-17
NITROGEN OXIDES EMISSIONS) (Rulemaking – Air)

NOTICE

TO: Don Brown
Clerk
Illinois Pollution Control Board
60 E. Van Buren St., Suite 630
Chicago, IL 60605
don.brown@illinois.gov

ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the TESTIMONY OF RORY DAVIS of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Gina Roccaforte
Gina Roccaforte
Assistant Counsel
Division of Legal Counsel

DATED: August 21, 2024

1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276
217/782-5544

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE 217,) R25-17
) (Rulemaking – Air)
NITROGEN OXIDES EMISSIONS)

TESTIMONY OF RORY DAVIS

My name is Rory Davis. I am the manager of the Regulatory Development Unit in the Air Quality Planning Section of the Illinois Environmental Protection Agency's ("Illinois EPA" or "Agency") Bureau of Air. I have been employed by the Agency in the Air Quality Planning Section for 18 years and was an Environmental Protection Engineer in the Air Quality Planning Section prior to taking my current position as manager. I have a Bachelor of Science degree in Computational Physics as well as a Bachelor of Science degree in Mathematics from Illinois State University. I have a Master's degree in Engineering from the University of Illinois at Chicago. My graduate studies consisted of an interdisciplinary program involving coursework from the Chemical Engineering and Mechanical Engineering fields with a concentration on Environmental Engineering. I am also a Licensed Professional Engineer in the State of Illinois. In my current position with the Agency, my duties include coordinating Illinois' air quality planning activities in the state and region, managing regulatory proposals, and maintaining the Bureau of Air's air emissions inventories. I will be providing testimony regarding the proposed amendments to Title 35 of the Illinois Administrative Code ("35 IAC") Part 217 regarding Reasonably Available Control Technology ("RACT") for emissions of oxides of nitrogen ("NOx").

The Proposed Revisions

As stated in the Agency's Statement of Reasons for the proposed rulemaking, the Agency is proposing the revisions to 35 IAC Part 217 in order to meet the RACT requirements for

moderate nonattainment areas in Clean Air Act Sections 172 and 182. Most of the proposed revisions address issues with Illinois' existing Part 217 that were identified by USEPA in order for the regulations to be approved in Illinois' State Implementation Plan ("SIP") for the Chicago and Metro-East St. Louis ozone nonattainment areas. These changes include averaging periods for compliance being reduced from annual and ozone season periods to a 30-day rolling average, further restrictions on inter-source and source-wide emissions averaging, and in some cases lowering emission standards for some categories of emission units. Further, the proposed revisions will also serve to meet federal requirements for *serious* ozone nonattainment areas in the likely event that both current nonattainment areas in Illinois are reclassified to serious in the coming months based on ozone monitoring data from 2021 to 2023.

In drafting the proposed revisions, the Agency engaged in outreach with potentially affected sources and other stakeholders in order to ensure the NOx RACT rules will be technically feasible and economically reasonable and has continued communications with affected sources. The Agency has also been in frequent communication with USEPA staff to ensure that adopted revisions will be approved when submitted as a SIP revision.

A more detailed description of the proposed rule amendments and the Agency's justification are set forth in the rule proposal. The technical support document is incorporated by reference into this testimony. Kyle Sottoriva, an Environmental Protection Engineer in the Regulatory Development Unit, and I drafted the technical support document for the proposed rulemaking, and we are prepared to answer any questions from the Board and hearing participants regarding these and other issues relevant to the rulemaking during the hearing or in writing subsequent to the hearing if necessary.

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state the following:

I have served the attached TESTIMONY OF RORY DAVIS of the Illinois Environmental Protection Agency by e-mail upon the following persons at the e-mail address of such persons:

Don Brown
Clerk
Illinois Pollution Control Board
60 E. Van Buren St., Suite 630
Chicago, IL 60605
don.brown@illinois.gov

ATTACHED SERVICE LIST

My e-mail address is gina.roccaforte@illinois.gov.

The number of pages in the e-mail transmission is 5.

The e-mail transmission took place before 4:30 p.m. on August 21, 2024.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

/s/ Gina Roccaforte
Gina Roccaforte
Assistant Counsel
Division of Legal Counsel

Dated: August 21, 2024

1021 North Grand Avenue East
Springfield, Illinois 62794-9276
(217) 782-5544

SERVICE LIST

Daniel Pauley
Hearing Officer
Illinois Pollution Control Board
60 E. Van Buren St., Ste. 630
Chicago, IL 60605
daniel.pauley@illinois.gov

Renee Snow
Office of General Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
renee.snow@illinois.gov

Jason E. James
Assistant Attorney General
Office of the Illinois Attorney General
Environmental Bureau
201 West Point Drive, Suite 7
Belleville, IL 62226
jason.james@ilag.gov

Caitlin Kelly
Assistant Attorney General
Office of the Illinois Attorney General
Environmental Bureau
69 W. Washington Street, 18th Floor
Chicago, IL 60602
caitlin.kelly@ilag.gov