

1 BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

2

3 IN THE MATTER OF:)

) R98-17

4 EXEMPTIONS FROM THE DEFINITION) (Identical-in-Substance
OF VOM, USEPA AMENDMENTS) Rulemaking-Air)

5 (July 1, 1997, through)

April 9, 1998)

6

7

8 The PROCEEDINGS taken before AMY MURAN FELTON,

9 the Hearing Officer, stenographically recorded by

10 CARYL L. HARDY, CSR, a notary public within and for

11 the County of Cook and State of Illinois, at the

12 James R. Thompson Center, 100 West Randolph Street,

13 Room 11-500, Chicago, Illinois, on the 3rd day of

14 June, A.D., 1998, scheduled to commence at

15 2:00 o'clock p.m. commencing at 2:10 p.m.

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

2 ILLINOIS POLLUTION CONTROL BOARD
100 West Randolph Street
3 Suite 11-500,
Chicago, Illinois 60601
4 (312) 814-3669
BY: MS. AMY MURAN FELTON
5

6 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
1021 North Grand Avenue East
7 P.O. Box 19276
Springfield, Illinois 62794
8 (217) 782-5544
BY: MS. DEBORAH J. WILLIAMS
9

Appeared on behalf of the Illinois
10 Environmental Protection Agency,

11 ALSO PRESENT:

12 Mr. G. Tanner Girard, Ph.D.
13 Ms. Marie Tipsord
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1 THE HEARING OFFICER: Good afternoon. This is
2 a regulatory hearing being conducted by the Illinois
3 Pollution Control Board, In the Matter of:
4 Exemptions from the Definition of Volatile Organic
5 Material, or VOM, USEPA Amendments, July 1st, 1997,
6 through April 9th, 1998, docketed by the board as
7 R98-17.

8 My name is Amy Muran Felton, and I am the
9 hearing officer in this proceeding. Present today
10 on behalf of the Illinois Pollution Control Board
11 and seated to my right is Board Member Dr. Tanner
12 Girard. Board Member Girard is assigned to
13 coordinate this rulemaking. Also present from the
14 board is attorney assistant to Board Member Girard
15 Marie Tipsord.

16 This rulemaking proposal adds 16 chemical
17 compounds. That is HFC-32, HFC-161, HFC-236fa,
18 HFC-245ca, HFC-245ea, HFC-245eb, HFC-235fa,
19 HFC-236ea, HFC-365mfc, HCFC-31, HCFC-123a,
20 HCFC-151a, C4F9OCH3. Then there is an open parens
21 for the next chemical, (CF3)2CF2CF2OCH3. The next
22 chemical is C4F9OC2H5. The next chemical is, again,
23 an open parens, (CF3)2CF2CF2OC2H5 and the chemical
24 compound methyl acetate. These chemicals have been

1 added to the list of chemical species that are

2 exempt from the definition of VOM.

3 On April 16th, 1998, the board adopted a
4 proposal for public comment in this proceeding. The
5 proposal was published in the Illinois Register on
6 May 1st, 1998, at 22 Ill. Reg. 7450.

7 This hearing will be governed by the
8 board's procedural rules for regulatory
9 proceedings. This is a legislative type hearing
10 intended to develop a record for review by the
11 entire seven-member board. All information which is
12 relevant and not repetitious or privileged will be
13 admitted. All witnesses will be sworn and subject
14 to cross questioning.

15 This rulemaking is mandated by
16 Section 9.1(e) of the Environmental Protection Act
17 which requires the Pollution Control Board to exempt
18 from the definition of VOM for purposes of preparing
19 the state implementation plan for National Ambient
20 Air Quality Standards for ozone.

21 Anyone may ask a question of any witness.
22 If you have a question of a witness, please identify
23 yourself and ask those questions of that witness.
24 Any questions by the board members or staff are not

1 intended to express any preconceived notions or bias
2 but only to build a complete record for review by
3 the other board members who are not present here
4 today.

5 At this time, I would just like to ask
6 whether or not Board Member Girard would have any
7 comments he would like to make. Dr. Girard?

8 DR. GIRARD: Thank you. Good afternoon.
9 Welcome, everyone, to this hearing. I hope we have
10 a fair and efficient hearing.

11 Just one note: I think when you were
12 reading out the names of those chemicals, where you
13 said zero, it actually should be an O as in oxygen.

14 THE HEARING OFFICER: You are right.

15 DR. GIRARD: But it will look the same way when
16 the court reporter prints them out.

17 THE HEARING OFFICER: Thank you, actually, for
18 clarifying that not being as well-versed in the
19 scientific area.

20 Yes, if the court reporter would just
21 reflect that all of those zeros should be 0s. Thank
22 you.

23 Okay. At this time, I would like to ask
24 whether or not anyone here would like to make any

1 comments on behalf of or in support of or in

2 opposition to this proposed rulemaking.

3 MS. WILLIAMS: Yes, I would.

4 THE HEARING OFFICER: Will you please state

5 your name for the record?

6 MS. WILLIAMS: It's Deborah Williams.

7 THE HEARING OFFICER: And you represent?

8 MS. WILLIAMS: And I'm here on behalf of the

9 Illinois Environmental Protection Agency.

10 THE HEARING OFFICER: Now, the agency filed a

11 prefiled comment. Would the agency like that to be

12 entered into the record as if read?

13 MS. WILLIAMS: Yes, please.

14 THE HEARING OFFICER: This prefiled comment

15 filed by the Illinois Environmental Protection

16 Agency on May 22nd, 1998, is that a true and

17 accurate copy of that comment?

18 MS. WILLIAMS: That's it.

19 THE HEARING OFFICER: Let's first swear in the

20 witness.

21 (The witness was duly sworn.)

22 THE HEARING OFFICER: Once again, I present the

23 prefiled comments of the agency filed on May 22nd,

24 1998.

1 MS. WILLIAMS: Yes, that's it.

2 THE HEARING OFFICER: That's a true, correct,
3 and accurate copy?

4 MS. WILLIAMS: Yes.

5 THE HEARING OFFICER: Okay. Thank you.

6 Any objections to entering this prefiled
7 testimony of the Illinois Environmental Protection
8 Agency filed on May 22nd, 1998?

9 Seeing that there are no objections, we
10 will enter this into the record as if read and as
11 Exhibit Number 1. If we could just attach this to
12 the transcript, this will suffice.

13 (Exhibit No. 1 marked for
14 identification, 6-3-98.)

15 THE HEARING OFFICER: Okay. Great. Is there
16 any other testimony you would like to present?

17 MS. WILLIAMS: I would like to briefly
18 summarize my prefiled testimony, if that's all
19 right.

20 THE HEARING OFFICER: Please proceed.

21 MS. WILLIAMS: Good afternoon. My name is
22 Deborah Williams, and I'm here today to represent
23 the Illinois Environmental Protection Agency in this
24 identical-in-substance rulemaking 98-17.

1 The Illinois EPA supports the Illinois
2 Pollution Control Board's rulemaking proposal to
3 amend the definition of VOM in 35 Ill. Adm. Code,
4 Section 211.7150 to exempt these 17 chemicals
5 delisted from the definition of volatile organic
6 material by USEPA since July 1st, 1997.

7 First, I would like to point out, for the
8 purpose of the record, three typographic errors in
9 the proposed rule. All three involve the
10 identification of delisted chemicals.

11 The first chemical, HFC-365mfc is
12 misidentified by the chemical name
13 1,1,1,3-pentafluorobutane rather than
14 1,1,1,3,3-pentafluorobutane.

15 Second, the chemical HFC-245eb is
16 misidentified by the chemical name
17 1,1,1,2,2-pentafluoropropane rather than
18 1,1,1,2,3-pentafluoropropane.

19 And finally, there is an open parentheses
20 missing from the beginning of the compound
21 heptafluoropropane, which should be
22 ((CF₃)₂CF₂CF₂OCH₃).

23 On April 9th, 1998, USEPA delisted methyl
24 acetate as a volatile organic material because it

1 was determined that this compound has negligible
2 contribution to tropospheric ozone formation.

3 In addition, on August 25th, 1997, USEPA
4 exempted the remaining 16 compounds in the proposed
5 rulemaking from the definition of VOM thereby
6 exempting them from regulation for control of
7 tropospheric ozone precursors.

8 Pursuant to Section 9.1(e) of the
9 Environmental Protection Act, the board is mandated
10 to exempt from the definition of VOM those volatile
11 organic compounds that USEPA determines to be exempt
12 from regulation under state implementation plans for
13 ozone due to negligible photochemical reactivity.
14 This rulemaking proposed by the board in an
15 April 16th, 1998, opinion and order is substantially
16 consistent with this mandate in the act.

17 In the Illinois EPA's opinion, the
18 exemption of methyl acetate and these 16 chemicals
19 delisted on August 8th -- August 25th, 1997, will
20 not affect any efforts by the Illinois EPA to
21 achieve National Ambient Air Quality Standards in
22 the Chicago and Metro-East ozone non-attainment
23 areas. This is true for three reasons.

24 One, some of these chemicals will be used

1 in refrigeration process which will be replacing
2 other currently exempt chemicals that are already
3 inventoried as non-VOM compounds.

4 Second, a number of the chemicals will be
5 used in processes which will replace current VOM
6 compounds. Thus, by replacing currently inventoried
7 VOMs, the exemption of these chemicals will assist
8 Illinois EPA in reaching ozone attainment.

9 And finally, for many of these chemicals,
10 they currently make up such a small portion of the
11 total VOM inventory that their exemption will have a
12 negligible impact on the inventory and the ability
13 to achieve attainment.

14 For these reasons, the Illinois EPA
15 supports the board's proposal. Thank you.

16 THE HEARING OFFICER: Anything else you would
17 like to present, Ms. Williams?

18 MS. WILLIAMS: That would be it.

19 THE HEARING OFFICER: Okay. Are there any
20 questions for this particular witness?

21 MR. GIRARD: I have no questions.

22 THE HEARING OFFICER: The only question I had
23 is you had mentioned that one of the chemicals was
24 misidentified. I just wanted to clarify that it is

1 our understanding from the board's April 16th, 1998,
2 opinion with regard to the chemical compound
3 HFC-245eb, we had it originally identified --
4 misidentified, as you stated correctly,
5 1,1,1,2,2-pentafluoropropane, and I wasn't sure
6 if -- you had indicated that there was that second
7 2, and I just wanted to let you know that --

8 MS. WILLIAMS: Right. It should be 2 -- it
9 should be 1,1,1,2,3?

10 THE HEARING OFFICER: Right. Okay.

11 MS. WILLIAMS: It's 1,1,1,2,2 in the rule,
12 right?

13 THE HEARING OFFICER: That's correct. Okay. I
14 just wanted to clarify that.

15 MS. WILLIAMS: Okay.

16 THE HEARING OFFICER: Any other questions that
17 anybody has at this time for this witness?

18 Okay. Seeing that there are no questions
19 and, at this time, no other witnesses, I will just
20 outline the public comment period and when that
21 closes.

22 The 45-day public comment period commenced
23 on May 1st, 1998, upon publication of the proposal
24 in the Illinois Register. It is a 45-day public

1 comment period. As such, it will close on Monday
2 June 15th, 1998.

3 Consequently, any additional public
4 comments regarding this proposal in this proceeding
5 must be filed and received by the board by June 15th,
6 1998. The mailbox rule as set forth at 35 Ill. Adm.
7 Code 101.102 will not apply to any of these
8 comments.

9 We will take a brief five minutes off the
10 record for a second.

11 (Whereupon, a discussion was held off
12 the record.)

13 THE HEARING OFFICER: Back on the record.

14 If there are no other comments regarding
15 this proposal, we will adjourn this particular
16 hearing. We thank you for your attendance and for
17 your time in attending this hearing. This matter is
18 hereby adjourned. Thank you.

19 (Which were the proceedings concluded
20 in the above-entitled matter at
21 2:25 p.m.)

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1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF COOK)

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4 I, CARYL L. HARDY, a Certified Shorthand
5 Reporter doing business in the County of Cook and
6 State of Illinois, do hereby certify that I reported
7 in machine shorthand the proceedings at the hearing
8 of the above-entitled cause.

9 I further certify that the foregoing is a
10 true and correct transcript of said proceedings as
11 appears from the stenographic notes so taken and
12 transcribed by me.

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17 CSR No. 084-003896

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20 Subscribed and sworn to
21 before me this ____ day
22 of _____ A.D., 1998.

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22 _____
23 Notary Public

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