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APPEARANCES :

ILLINOIS POLLUTION CONTROL BOARD MEMBERS PRESENT :

MR. ANAND RAO
DR. RONALD C. FLEMAL

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY MEMBERS
PRESENT :

MS. CHRISTINA L. ARCHER
MR. BROOKE PETERSON
MR. GARY BECKSTEAD

OTHER AUDIENCE MEMBERS PRESENT :

MS. VICTORIA HAINES, Sundstrand Corporation

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I N D E X

PAGE

WITNESSES

GARY BECKSTEAD

PRE-FILED TESTIMONY..... 8
EXAMINATION BY DR. FLEMAL..... 11
EXAMINATION BY MR. RAO..... 15
EXAMINATION BY DR. FLEMAL..... 20

E X H I B I T S

(None marked by reporter.)

1 HEARING OFFICER LAWLESS: Good morning.
2 My name is Audrey Lozuk-Lawless, and I'm the
3 hearing officer from the Pollution Control Board
4 in this proceeding which is entitled In The Matter
5 of Cleanup Amendments to 35 Illinois
6 Administrative Code, Part 215. The Board
7 references this proceeding as docket R98-15.
8 Please indicate this docket number on anything you
9 do submit to the Board in reference to this
10 proceeding.

11 Present today on behalf of the Board is
12 Board Member Dr. Ronald Flemal. Also present on
13 behalf of the Board is our environmental
14 scientist, Anand Rao. Today is the first
15 scheduled hearing in this proceeding which has two
16 scheduled hearings. The second will be held in
17 Springfield on Monday, the 22nd, in the Board's
18 conference room on the fourth floor.

19 The hearing today will be governed by
20 the Board's procedural rules which are found at 35
21 Illinois Administrative Code 102.282 which means
22 that anything which is not repetitious or
23 privileged will be admitted. Anything that is
24 relevant will be admitted, and all witnesses will

1 be sworn and subject to cross questioning.

2 This proceeding is a general statewide
3 rulemaking which was filed on October 30th, 1997,
4 by the Illinois Environmental Protection Agency.
5 At today's hearing, the Agency will present the
6 only witness which has prefiled testimony and that
7 is of Mr. Gary Beckstead.

8 The Board will then allow questions
9 directed to Mr. Beckstead. The Board --
10 Dr. Flemal may ask questions or Mr. Rao may ask
11 questions or myself, and please realize that the
12 questions are only to develop a full record for
13 other Board members that are not here with us
14 today and do not express any preconceived notions
15 about the rulemaking as it stands, and if you have
16 any questions -- we have one member of the public
17 here. So if you'd like to ask any questions, just
18 please state where you're from, and I will
19 acknowledge you.

20 Requests for additional hearings beyond
21 the hearing in Springfield will be pursuant to the
22 Board's procedural rules at 35 Illinois
23 Administrative Code 102.161 which requires the
24 proponent or any other participant who wishes to

1 request an additional hearing to do so in a motion
2 to the Board and explain why failing to hold an
3 additional hearing would result in material
4 prejudice to the movant. Dr. Flemal, would you
5 like to say anything?

6 DR. FLEMAL: No opening comments.

7 HEARING OFFICER LAWLESS: Thank you.

8 Therefore, I will turn to the Agency. Ms. Archer.

9 MS. ARCHER: Thank you. Good afternoon.
10 My name is Christina Archer, and I'm assistant
11 counsel with the proponent of this rulemaking, the
12 Illinois EPA. The Illinois EPA is today asking the
13 Illinois Pollution Control Board to adopt this
14 rulemaking proposal R98-15 affecting 35 Illinois
15 Administrative Code, Part 215 for ozone attainment
16 areas.

17 This rulemaking proposal is a minor and
18 non-controversial cleanup of subparts A, F and Z
19 specifically. The proposal will delete
20 duplicative definitions in Part 215 that are
21 already contained in 35 Illinois Administrative
22 Code, Part 211. It will delete requirements
23 currently located in Part 215 for ozone
24 non-attainment areas since these requirements were

1 subsequently adopted into parts 218 and 219.

2 The proposal will also add a de minimus
3 coating exemption of 2500 gallons to section
4 215.206(a) as well as adding an exemption for
5 touchup and repair coatings and the associated
6 record keeping and reporting requirements for
7 those touchup and repair coatings.

8 The proposal will also delete the
9 requirements applicable to Roadmaster Corporation
10 and for perchloroethylene dry cleaners. The
11 proposal will also employ the consistent usage of
12 the term source and emission unit throughout the
13 cleanup proposal. The Illinois EPA has been in
14 contact with facilities affected by this proposal
15 as well as USEPA, and the Illinois EPA believes
16 that all parties are in agreement with the
17 proposal.

18 The proposal will not have an adverse
19 impact on the environment, and the Illinois EPA
20 believes the proposal is technically feasible and
21 economically reasonable. With me today is
22 Mr. Gary Beckstead who is an environmental
23 engineer with the air quality planning section of
24 the bureau of air and Mr. Brooke Peterson who is a

1 legal investigator for the division of legal
2 counsel.

3 Mr. Beckstead has prepared some
4 testimony he would now like to read into the
5 record, and we would be happy to answer any
6 questions after that. Thank you.

7 HEARING OFFICER LAWLESS: Thank you,
8 Ms. Archer. Would you please swear in
9 Mr. Beckstead.

10 (Witness sworn.)

11 MR. BECKSTEAD: My name is Gary
12 Beckstead. My academic credentials include a
13 bachelor of ceramic engineering degree from the
14 Georgia Institute of Technology, Atlanta, Georgia,
15 and a master of science degree in metallurgical
16 engineering from Stanford University, Stanford,
17 California.

18 I've been employed by the Illinois
19 Environmental Protection Agency since April 1991
20 as an environmental protection engineer in the air
21 quality planning section of the division of air
22 pollution control in the bureau of air. In
23 general, I'm involved in the review of emissions
24 inventories and in the preparation of technical

1 support for proposed ozone regulations affecting
2 stationary point sources.

3 In this capacity, I have
4 responsibilities for projects that address the
5 expansion and applicability of reasonably
6 available control technology, RACT, on sources
7 emitting ozone precursors. In addition, I have
8 responsibility for quality control and quality
9 assurance of ozone inventories and the evaluation
10 of point source emissions.

11 I have prepared technical support for
12 Rulemaking R91-28, R93-14, R94-16 and R94-21.
13 Rulemaking R91-28 involved the geographic
14 expansion of RACT to sources emitting volatile
15 organic materials, VOM, that were located in Goose
16 Lake and Aux Sable Townships in Grundy County and
17 Oswego Township in Kendall County.

18 I reviewed the IEPA emissions inventory
19 for potentially affected sources and evaluated the
20 impact that this rulemaking would impose. On
21 rulemaking R93-14, I evaluated the impact of
22 changing the definition of major source from 100
23 tons per year to 25 tons per year in the Chicago
24 ozone non-attainment area which was required

1 pursuant to the Clean Air Act as amended in 1990.

2 I have also technically assisted in
3 evaluating Illinois point source emissions to
4 determine potential emission reductions for
5 meeting the requirements of the Clean Air Act and
6 the 15 percent rate of progress plan. Rulemakings
7 R94-16 and R94-21 were based on the findings from
8 this evaluation.

9 I was responsible for evaluating the
10 impact and the reasonableness of lowering the
11 applicability level for air oxidation processes
12 which R94-16 addressed and of tightening surface
13 coating standards which R94-21 addressed.

14 In regards to the present proposal
15 before the Board which addresses cleanup
16 amendments for 35 Illinois Administrative Code,
17 Part 215, I have the responsibility of technically
18 reviewing any proposed changes and determining the
19 environmental impact, evaluating any control
20 requirement changes for consistency with other
21 existing Illinois regulations and assessing the
22 effect on impacted sources that the proposed
23 amendments may have.

24 In my technical review, I have found

1 that the proposed changes will not have any
2 adverse environmental effects, that the proposed
3 changes do not impose control requirements that
4 are inconsistent with other existing Illinois
5 regulations and that the impacted sources are not
6 adversely affected by the changes proposed.

7 And I'm now ready to answer any
8 technical questions that the Board may have in
9 regards to my review.

10 HEARING OFFICER LAWLESS: Thank you,
11 Mr. Beckstead. Dr. Flemal.

12 DR. FLEMAL: Thank you. Note that I
13 appreciate the work that the Agency has put into
14 this proposal again and providing it to us in a
15 nice clean package. It assists us a great deal in
16 evaluating the proposal. I don't really have any
17 large questions. I think everything pretty much
18 has fallen into place. There are perhaps just a
19 few things, if nothing else for my own
20 understanding might be useful to address.

21 Am I correct in my understanding that
22 the definitions that you proposed to delete are
23 those that are identical to 211?

24 MS. ARCHER: Yes.

1 DR. FLEMAL: And that is the criteria
2 upon which you decide whether to retain or delete
3 the definition?

4 MS. ARCHER: Correct, yes. We just
5 deleted the definitions in Part 215 that were
6 already contained in 211.

7 DR. FLEMAL: But the criterion was
8 whether they were identical to the 211?

9 MS. ARCHER: Yes.

10 DR. FLEMAL: Because in some cases those
11 definitions that you are planning to retain do
12 occur in 211 but not necessarily in the identical
13 language.

14 MS. ARCHER: Correct.

15 DR. FLEMAL: You say in your statement
16 of reasons that the definitions that you would
17 intend to keep are those that are more specific
18 than those in Part 211. Can you say something
19 about what you mean by "more specific"? Is this
20 intended to be more stringent or --

21 HEARING OFFICER LAWLESS: Well, do you
22 want to direct your questions to Mr. Beckstead
23 because otherwise we'll have to swear in
24 Ms. Archer. Do you feel comfortable answering

1 these questions, Mr. Beckstead?

2 MR. BECKSTEAD: Sure, sure.

3 As Tina has stated, we compared what
4 was in 215 to what we have in 211, and in any
5 instances where 215's definition was in fact more
6 specific -- I mean more specific, it might have
7 additional temperature or pressure designation,
8 that 211 had -- makes no mention of.

9 Therefore, we retained it in 215
10 because it was more specific and applicable to 215
11 where the 211 is just kind of general definitions
12 that are supposed to fit all categories unless the
13 specific subpart declares that there's a more
14 definitive definition.

15 DR. FLEMAL: I guess I'm wondering about
16 what "more specific" means. I look, for example,
17 at the definitions of read vapor pressure, and it
18 would be my impression that the definition which
19 exists in 211 is more general -- excuse me, the
20 definition that exists in 215 is more general than
21 that one which exists in 211.

22 I would note, for example, that the 215
23 definition simply says it's a standardized measure
24 of vapor pleasure where the 211 definition adds

1 that it is measured according to ASTM standards
2 and so on.

3 HEARING OFFICER LAWLESS: Dr. Flemal,
4 you're reading from section 211.5510?

5 DR. FLEMAL: Yes, that's the section
6 within Part 211 that also contains a read vapor
7 pressure definition.

8 MR. BECKSTEAD: Does the 211
9 definition -- I don't have a copy -- does it refer
10 to 100 degrees Fahrenheit?

11 DR. FLEMAL: Yes. So in that context
12 you would read it to be more specific as that?

13 MR. BECKSTEAD: I think that was the
14 term -- that that was the reason it was retained
15 because of that temperature designation. That was
16 the basis of retaining it, yes, and I fully
17 appreciate what you're saying. The 211.5510
18 definition is much more involved, you're right.

19 It does look much more definitive. The
20 only criteria that I saw that was missing there
21 was the fact that no temperature was designated by
22 that definition, and therefore, we retained it in
23 211.

24 DR. FLEMAL: I don't have any problem

1 with keeping these two different definitions in
2 the two parts if there's some utility in doing so,
3 but perhaps we might want to say we are keeping
4 the different definitions rather than the more
5 specific definitions, at least to the extent that
6 more specific might imply more stringent. I'm not
7 sure that that's a judgment we can fairly make,
8 that these are more stringent.

9 MR. RAO: I had a couple of questions
10 concerning the coating exemption. I'm looking at
11 the statement of reasons for coating exemptions
12 where you talk about this exemption based on 2500
13 gallons per year usage.

14 What's the basis for picking that
15 number? Is there any other regulatory context in
16 which the 2500 gallons per year is used?

17 MR. BECKSTEAD: We reviewed this
18 situation with USEPA. They had no problems with
19 us going to 5,000 gallons. That's consistent with
20 our permitting requirements. We chose 2500 really
21 because it was a little more conservative, and we
22 thought it was in the best interest of the
23 environment. There's no real shall I say technical
24 basis for choosing 2500, but we did think it was a

1 better choice, a more conservative choice than
2 5,000 gallons.

3 MR. RAO: On page 3 of your statement of
4 reasons where you discuss coating exemption, you
5 have an example of how this exemption is supposed
6 to work. So if the Board adopted this exemption
7 that you propose in that particular example, can
8 you explain how this exemption will work in terms
9 of any facility which may have a coating line, and
10 in addition to that, it may have other processes.

11 MR. BECKSTEAD: The way the present
12 regulation is written, if a facility has an SIC
13 code that places them as a coating facility, the
14 entire plant emissions, whether they're coating or
15 not, are taken into account for the determination
16 of applicability of our regulations, our coating
17 limits.

18 When we wrote this -- well, the
19 situation could arise wherein only a small
20 percentage of this plant could be an
21 actual -- emissions could be coating, and the
22 preponderance of their emissions could be from
23 other sources such as cleaning, solvent
24 operations. Therefore, we felt it was unfair that

1 if a source was -- even though they were emitting
2 25 tons over the whole facility, it's unfair to
3 make them meet a coating standard when in fact
4 maybe only 10 percent or 20 percent of their
5 emissions were due to actual coating or the use of
6 coating materials.

7 So therefore, this limit, this
8 exemption would forego a plant in that situation
9 where actually of the total 25 tons of emissions,
10 only a small percentage of them are actually from
11 coating itself.

12 MR. RAO: So that's what you meant by
13 when you said there was a potential for double
14 regulation?

15 MR. BECKSTEAD: Right.

16 MR. RAO: What happens in the case where
17 they have this two different operations in the
18 same building and if they don't -- if they exceed
19 this coating limitation, will that facility be
20 doubly regulated?

21 MR. BECKSTEAD: Well, the coating
22 operations would have to meet a specific limit and
23 say it is solvent degreasing. The solvent
24 degreasing operations would be regulated under our

1 solvent degreasing regulations. There's two
2 regulations going on, but they do not necessarily
3 overlap.

4 Coating would be -- the coating
5 operations would have to meet a coating limit.
6 The solvent degreasing would have to --

7 MR. RAO: No. What I was saying was if
8 you exceed this 2500 gallons per year.

9 MR. BECKSTEAD: Okay.

10 MR. RAO: And then, you know, would the
11 facility be doubly regulated because you said you
12 consider emissions from the old plant or building,
13 whatever -- wherever this coating line is housed.
14 So I was asking you whether this double regulation
15 can still happen if they exceed this 2500 gallons.

16 MR. BECKSTEAD: No, it will not. Again,
17 the coating, for example, if it was miscellaneous
18 metal parts, the coating would have to meet a 3.5
19 limit. The solvent degreasing, they're actually
20 work practices. They would have to meet a work
21 practice.

22 MR. RAO: So even under the current
23 rules, there's no double regulation because they
24 have different limitations?

1 MR. BECKSTEAD: Uh-huh, yes.

2 MR. RAO: I have one more question
3 concerning the statement that was made on page 7
4 of your statement of reasons. The statement by
5 adding an exemption for facilities that used less
6 than 2500 gallons of coating per year, Sundstrand
7 would be able to increase its production without
8 significantly increasing its VOM emissions. Could
9 you explain what you mean by the statement here,
10 how Sundstrand can, you know, increase its
11 production without increasing its VOM emissions.

12 MR. BECKSTEAD: The situation at
13 Sundstrand is that the preponderance of their
14 emissions are from degreasing of materials, and
15 the actual coating materials that they use is very
16 small. They just happened to trip the 25-ton
17 applicability level.

18 With this, they can use appreciably --
19 well, not appreciably. They can use additional
20 gallons of coating thereby increasing their
21 production without adversely impacting the
22 environment.

23 MR. RAO: So when you say increase the
24 amount of coating, you are saying they have some

1 leeway before they attain the 2500?

2 MR. BECKSTEAD: Yes, yes.

3 MR. RAO: Thank you.

4 HEARING OFFICER LAWLESS: Dr. Flemal.

5 DR. FLEMAL: On the matter of the
6 Roadmaster Corporation deletion which is the
7 proposal to delete currently existing section
8 215.214, you note in the statement of reasons that
9 Roadmaster has requested the deletion.

10 The documentation that I would assume
11 supports that is your Exhibit A, is that correct?

12 MR. BECKSTEAD: That's to withdraw the
13 permit?

14 DR. FLEMAL: Yes.

15 MR. BECKSTEAD: Yes.

16 DR. FLEMAL: Exhibit A being a four-page
17 document which I believe is two letters from the
18 Agency and one from Roadmaster. As I read these
19 letters, the letter from Roadmaster is actually a
20 request to delete the permits.

21 On what basis can we translate that
22 into a request to delete the section at issue?

23 MR. BECKSTEAD: Our permit section
24 contacted Roadmaster directly. In fact, what

1 Roadmaster has done is gone to a powder-coating
2 operation so there's no longer a need for the
3 exemption, and they advised they were using powder
4 coating rather than a liquid that would be
5 controlled by our limits.

6 DR. FLEMAL: So in your outreach with
7 them, they have explicitly said to you that we no
8 longer need that special exemption --

9 MR. BECKSTEAD: Right.

10 DR. FLEMAL: -- and it can be deleted?

11 MR. BECKSTEAD: Right.

12 DR. FLEMAL: We don't have that
13 statement from them in that direct form, however,
14 in the record, do we?

15 MR. BECKSTEAD: Not that I'm aware of,
16 no.

17 DR. FLEMAL: Is Roadmaster by any chance
18 on our mailing list for this?

19 HEARING OFFICER LAWLESS: No, they are
20 not.

21 DR. FLEMAL: I think perhaps it might be
22 useful if the Board added them to the mailing list
23 since they are named in the proceeding just to
24 assure that they're apprised of all of the

1 developments in the proceeding.

2 HEARING OFFICER LAWLESS: Do you know
3 who that is?

4 MS. ARCHER: I can find out the contact
5 person and get back with you by Monday.

6 HEARING OFFICER LAWLESS: Thank you.

7 DR. FLEMAL: Actually we have as part of
8 that record Exhibit A, a letter from them.

9 HEARING OFFICER LAWLESS: That was a
10 year ago. If it's the same person, Mr. Marty
11 Puckett.

12 MS. ARCHER: We will double check and
13 let you know at the hearing on Monday if that
14 would be acceptable.

15 HEARING OFFICER LAWLESS: Fine, fine.
16 Are there any questions from the audience?

17 MS. HAINES: (Shaking head.)

18 HEARING OFFICER LAWLESS: Does the
19 Agency have anything further they'd like to
20 present today?

21 MS. ARCHER: No.

22 HEARING OFFICER LAWLESS: Okay. Then
23 seeing no additional people that wish to testify
24 or ask questions, we will see all the proponents

1 once again then on Monday at the Board's offices
2 in Springfield.

3 That hearing will convene on 1:00 p.m.
4 in the conference room on the 4th floor and just a
5 reminder that the record will close in this matter
6 on January 20th. That should give sufficient time
7 after we receive the transcript for anything you'd
8 like to file before the record closes, and the
9 Board anticipates that it will then go to first
10 notice at its meeting on January 22nd, 1998, and
11 this hearing is adjourned. Thank you.

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ILLINOIS POLLUTION CONTROL BOARD

LISA H. BREITER, CSR, RPR, CRR, being first duly sworn, on oath says that she is a court reporter doing business in the City of Chicago; that she reported in shorthand the proceedings at the taking of said hearing and that the foregoing is a true and correct transcript of her shorthand notes so taken as aforesaid, and contains all of the proceedings had at said hearing.

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