

1 BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
2
3 IN THE MATTERS OF:
4 AMENDMENTS TO GENERAL PERMITTING PROVISIONS R98-13
5 TO REQUIRE PERPETUAL PERMITS FOR CERTAIN
6 SOURCES: AMENDMENTS TO 35 ILL. ADM. CODE 201
7 and
8 CLEAN-UP AMENDMENTS TO 35 ILL. ADM. CODE R98-15
9 215 (EMISSION STANDARDS AND LIMITATIONS FOR
10 STATIONARY SOURCES LOCATED OUTSIDE THE CHICAGO
11 AND METRO EAST OZONE NON-ATTAINMENT AREAS)
12 and
13 PETITION OF W.R. GRACE & COMPANY -
14 CONNECTICUT, AND THE ILLINOIS ENVIRONMENTAL R98-16
15 PROTECTION AGENCY FOR SITE-SPECIFIC AIR
16 REGULATION: 35 ILL. ADM. CODE 218.940(h)
17
18 Proceedings held on March 30, 1998 at 10:00 a.m.,
19 at the Illinois State Library, 300 South Second
20 Street, Springfield, Illinois, before the Honorable
21 Cynthia I. Ervin, Hearing Officer.
22
23 Reported by: Darlene M. Niemeyer, CSR, RPR
CSR License No.: 084-003677
24 KEEFE REPORTING COMPANY
11 North 44th Street
25 Belleville, IL 62226
(618) 277-0190

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

2

3 Claire A. Manning, Chairman

4 Cynthia I. Ervin, Attorney to the Chairman

5 John Knittle, Attorney Assistant to
Board Member Joseph C. Yi

6

7 Kathy Glenn, Attorney Assistant to
Board Member Ronald C. Flemal

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 P R O C E E D I N G S

2 (March 30, 1998; 10:00 a.m.)

3 HEARING OFFICER ERVIN: Good morning. My name is

4 Cynthia Ervin. I am the hearing officer assigned to

5 this consolidated proceeding originally entitled, In

6 the Matter of: Amendments to General Permitting

7 Provisions to Require Perpetual Permits for Certain

8 Sources: Amendments to 35 Illinois Administrative Code

9 201, R98-13; In the Matter of: Clean-up Amendments to

10 35 Illinois Administrative Code Part 215 (Emission

11 Standards and Limitations for Stationary Sources

12 Located Outside the Chicago and Metro East Ozone

13 Non-attainment Areas), R98-15; and In the Matter of:

14 Petition of W.R. Grace & Company - Connecticut, and

15 the Illinois Environmental Protection Agency for

16 Site-Specific Air Regulation: 35 Illinois

17 Administrative Code 218.940(h), R98-16.

18 Present today, on behalf of the Illinois Pollution

19 Control Board, is Chairman of the Board, Claire

20 Manning.

21 CHAIRMAN MANNING: Good morning.

22 HEARING OFFICER ERVIN: Also with us is John

23 Knittle, Attorney Assistant to Board Member Joe Yi,

24 and Kathy Glenn, Attorney Assistant to Board Member

25 Ron Flemal.

1 As background for this proceeding today, Public
2 Act 90-489 which became effective on January 1st,
3 1998, requires the Board to request the Department of
4 Commerce and Community Affairs to conduct an Economic
5 Impact Study on certain proposed rules prior to
6 adoption of those rules. If DCCA chooses to conduct
7 the Economic Impact Study, DCCA has 30 to 45 days
8 after such request to produce a study of the economic
9 impact of the proposed rules.

10 The Board must make the Economic Impact Study, or
11 DCCA's explanation for not conducting the study,
12 available to the public at least 20 days before a
13 public hearing on the economic impact of those
14 proposed rules. The rulemakings that are subject of
15 this hearing today have all been determined by the
16 Board to be subject to Public Act 90-489. In
17 accordance with this Public Act, the Board has
18 requested, by letters dated January 28 and January 30,
19 1998, that DCCA conduct an Economic Impact Study for
20 the aforementioned rulemakings.

21 In addition to requesting that DCCA conduct an
22 Economic Impact Study, the Board requested that DCCA
23 notify it within ten days after the receipt of the
24 request whether DCCA intended to conduct the Economic
25 Impact Study. The Board further noted that if it did

1 not receive such notification, the Board would rely on
2 the letter from DCCA dated January 26, 1998 as a
3 required explanation for not conducting the Economic
4 Impact Study. The January 26, 1998 letter from DCCA
5 notified the Board that DCCA would not be conducting
6 Economic Impact Studies on rules pending before the
7 Board during the remainder of FY '98 because DCCA
8 lacked, among other things, the financial resources to
9 conduct the studies.

10 The ten days for DCCA to notify the Board have
11 expired, and the Board has not received any
12 notification from DCCA that it would conduct an
13 Economic Impact Study on any of the aforementioned
14 rulemakings. Accordingly, the Board has relied on the
15 January 26, 1998 letter as DCCA's explanation for not
16 conducting a study.

17 All hearings required by the Environmental
18 Protection Act, except for the Section 27b, ECIS
19 hearings, which we are having today, have been
20 completed in all the aforementioned rulemakings. The
21 Board, therefore, has consolidated these rulemakings
22 solely for the purpose of holding a hearing for the
23 public to comment on DCCA's explanation for not
24 conducting an Economic Impact Study.

25 Comments, if any, will be taken for each

1 rulemaking sequentially. Like other Board
2 rulemakings, any person who testifies will be sworn
3 and subject to questioning. Moreover, this hearing
4 will be governed by the Board's procedural rules for
5 regulatory proceedings. All information which is
6 relevant and not repetitious or privileged will be
7 admitted.

8 Are there any questions regarding the procedures
9 that we will be following today? Seeing none, then I
10 would just ask Chairman Manning if she has any other
11 comments she would like to make.

12 CHAIRMAN MANNING: Good morning. I welcome
13 everyone. It should be a short hearing.

14 HEARING OFFICER ERVIN: We will proceed then. Is
15 there anyone who would like to comment on DCCA's
16 explanation for not conducting an Economic Impact
17 Study for In the Matter of: Amendments to General
18 Permitting Provisions to Require Perpetual Permits for
19 Certain Sources: Amendments to 35 Illinois
20 Administrative Code 201, R98-13?

21 Okay. Seeing none, we will move on to the next
22 rulemaking. Is there anyone who would like to comment
23 on DCCA's explanation for not conducting an Economic
24 Impact Study for In the Matter of: Clean-up
25 Amendments to 35 Illinois Administrative Code Part 215

1 (Emission Standards and Limitations for Stationary
2 Sources Located Outside the Chicago and Metro East
3 Ozone Non-Attainment Areas), R98-15?
4 Seeing none, we will go to the last rulemaking.
5 Is there anyone who would like to comment regarding
6 DCCA's explanation for not conducting an Economic
7 Impact Study for In the Matter of: Petition of W.R.
8 Grace & Company - Connecticut, and the Illinois
9 Environmental Protection Agency for Site-Specific Air
10 Regulation: 35 Illinois Administrative Code
11 218.940(h), R98-16?
12 Seeing none, then if there is no objection, I
13 would like to go off the record but stay convened for
14 ten minutes, until a quarter after 10:00 in case
15 someone walks in a little late.
16 (Whereupon a short recess was taken.)
17 HEARING OFFICER ERVIN: We will go back on the
18 record.
19 I didn't see anybody else come in to this hearing,
20 so we will just end it here. I will ask one more time
21 if there is anyone who would like to testify in any of
22 these three rulemakings regarding DCCA's decision not
23 to conduct an Economic Impact Study?
24 Seeing none, then, the transcript from today's
25 hearing, if anybody wants a copy of it, you can either

1 see the court reporter for a copy or you could
2 download it from our web site, but our web master has
3 left us, so I am not sure when it will be available on
4 web site, but you can call our Chicago office and we
5 can get you a copy of the transcript.

6 Any other questions regarding these three
7 rulemakings, the public comment periods, et cetera,
8 you should please direct those to the hearing officers
9 assigned to each of the three rulemakings.

10 Are there any other matters that need to be
11 addressed? Seeing none, then I thank you for coming
12 and we will adjourn this hearing. Thanks.

13

14

15

16

17

18

19

20

21

22

23

24

25

