

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

March 18, 2004

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STATE OF ILLINOIS
Pollution Control Board

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IN THE MATTER OF:)
)
 CLEAN-UP PART III AMENDMENTS) R04-20
 TO 35 ILL. ADM. CODE PARTS 211,) (Rulemaking - Air)
 218 AND 219)
)
)
 IN THE MATTER OF:)
)
 TECHNICAL CORRECTIONS TO) R04-12
 FORMULAS IN 35 ILL. ADM. CODE) (Rulemaking - Air)
 214 "SULFUR LIMITATIONS") (Consolidated)

TRANSCRIPT OF PROCEEDINGS held
 in the hearing of the above-entitled matter,
 taken stenographically by Stacy L. Lulias, CSR,
 before Richard R. McGill, Jr., Hearing Officer, at
 James R. Thompson Center, 100 West Randolph Street,
 Room 11-512, Chicago, Illinois, on the 18th day of
 March, A.D., 2004, scheduled to commence at 1:30
 p.m., commencing at 1:32 p.m.

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

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ILLINOIS POLLUTION CONTROL BOARD,
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
(312) 814-3956

BY: MR. RICHARD R. MCGILL, JR.,
Hearing Officer
MS. ANDREA S. MOORE,
Lead Board Member

MR. ANAND RAO,
Senior Environmental Scientist,
Technical Unit

MS. ALISA LIU, P.E.,
Environmental Scientist,
Technical Unit;

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
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BY: MR. CHARLES E. MATOESIAN,
Assistant Counsel
Division of Legal Counsel

MR. GARY E. BECKSTEAD,
Environmental Protection Engineer,
Bureau of Air

I N D E X

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Opening Statements	Page	Line
By Mr. Matoesian	6	6
By Mr. Beckstead	7	14
Closing Remarks	Page	Line
By Mr. McGill	26	16

E X H I B I T S

Hearing Exhibit	Marked	Received
No. 1	27	27

1 HEARING OFFICER MCGILL: Good
2 afternoon. Welcome to the Illinois Pollution
3 Control Board. My name is Richard McGill. The
4 Board has appointed me to serve as Hearing Officer
5 in this consolidated rulemaking.

6 The Board consolidated two
7 rulemaking proposals for purposes of this
8 proceeding. There's docket R04-12, that's a
9 Board-initiated rulemaking proposal to amend air
10 pollution rules. That rulemaking is captioned
11 Technical Corrections to Formulas in 35 Ill. Adm.
12 Code 214 "Sulfur Limitations." The second
13 rulemaking proposal is in docket R04-20 and was
14 filed by the Illinois Environmental Protection
15 Agency. That rulemaking is captioned Clean-Up Part
16 III Amendments to 35 Ill. Adm. Code Parts 211, 218,
17 and 219.

18 Today is the first hearing in this
19 consolidated rulemaking. Another hearing is
20 scheduled for May 6, 2004 in Springfield.

21 Also present today on behalf of
22 the Board, to my left, Member Andrea Moore is the
23 lead Board Member for this rulemaking. To my right,
24 Anand Rao, and to his right, Alisa Liu. Both are

1 scientists in the Board's Technical Unit.

2 Today's proceedings is governed by
3 the Board's procedural rules. All information that
4 is relevant and not repetitious or privileged will
5 be admitted into the record. We'll begin with the
6 Agency's testimony on R04-20, followed by any
7 questions the Board, or if any members of the public
8 arrive, may have for the Agency. After that, we'll
9 open it up for anyone to provide testimony on R04-20
10 or R04-12. Those testifying will be sworn in and
11 may be asked questions about their testimony.

12 Lastly, if anyone has any
13 questions or testimony on the Board-initiated
14 proposal on R04-12, they'll have an opportunity to
15 state that on the record for the Board to later
16 consider.

17 For the court reporter
18 transcribing today's proceedings, if you'd please
19 speak up and not talk over each other so we get a
20 clear transcript.

21 Are there any questions about our
22 procedures today?

23 Seeing none, the court reporter,
24 would you go ahead and swear in the Agency's

1 witness?

2 (Witness sworn.)

3 HEARING OFFICER MCGILL: At this
4 point, I'm going to turn it over to Charles
5 Matoesian, the Agency's attorney.

6 MR. MATOESIAN: Thank you, sir.

7 Hello, ladies and gentlemen. My
8 names is Charles Matoesian. I'm the Assistant
9 Counsel in the Division of Legal Counsel with the
10 Illinois Environmental Protection Agency.

11 I'm here concerning the proposed
12 amendments to 35 Ill. Adm. Code Parts 211, 218, and
13 219. These proposed amendments are simply a
14 clean-up of existing regulations which result from
15 discussions with the United States Environmental
16 Protection Agency and industry in which will reduce
17 the burden of complying with certain provisions and
18 increase the flexibility for complying with certain
19 other provisions.

20 Originally, the Subparts at issue
21 were adopted to satisfy Clean Air Act requirements.
22 The amendments generally clarify existing regulatory
23 provisions with the goals of reducing the burdens of
24 and affording greater flexibility in demonstrating

1 compliance. The amendments are emission-neutral and
2 do not impact the overall plans or goals of the
3 Chicago Non-Attainment Area or Metro East Ozone
4 Area.

5 With me here today is Mr. Gary
6 Beckstead. He's an Environmental Protection
7 Engineer in the Air Quality Planning Section of the
8 Bureau of Air at the Illinois Environmental
9 Protection Agency, and he can present a more
10 detailed and technical analysis of these rules. And
11 I turn it over to him now.

12 HEARING OFFICER MCGILL: Thank you.

13 Mr. Beckstead?

14 MR. BECKSTEAD: My name is Gary
15 Beckstead, and as Mr. Matoesian said, I am an
16 Environmental Protection Engineer. I've been with
17 the Illinois EPA for going on 13 years since 1991.

18 I've been involved in many things.
19 My primary job is emissions inventories, but I also
20 am involved with technical support on rules, the
21 rulemaking and writings, as well as testifying on
22 our regulations. In addition to that, I get
23 involved in enforcement cases mainly in technical
24 support, in that area. I've been involved in many

1 of the rules, again, that Mr. Matoesian referred to,
2 the 1990 Clean Air Act required as to -- write rules
3 on RACT for various categories, I've been involved
4 in the expansion of this RACT, I've been involved in
5 tightening our regulations later than 1996 to get
6 more emission reductions to meet our ROP plans.

7 As far as this rule is concerned,
8 I have been the leadman. There's been several
9 engineers involved here. These rules have been --
10 our proposed regulations have been peer-reviewed by
11 us, our management, and also have been sent out to
12 Illinois Environmental Research Group and they sent
13 the rules out to their constituency and they're in
14 agreement that everything we're proposing today
15 seems to be to their satisfaction.

16 I'm here to answer any technical
17 questions, and if we can't get them answered today,
18 again, several engineers have been involved, but due
19 to the resource cutbacks, I was the one who was
20 chosen to come up and represent. So I may not have
21 the answers, but we can get to the right people who
22 do have the answers.

23 MR. MATOESIAN: Is there anything else
24 you wanted to --

1 MR. BECKSTEAD: No, that was it.

2 HEARING OFFICER MCGILL: Thank you.

3 The Board has a few questions
4 after reviewing the Agency's proposal. I'll just
5 note for the record no members of the public are
6 present.

7 Again, as you alluded to earlier,
8 if you're not prepared to answer any of these
9 questions, we do have a second hearing scheduled and
10 you can certainly follow up at that time, but we
11 wanted to go ahead and get these questions at least
12 on the record.

13 MR. BECKSTEAD: Okay. That's fine.

14 HEARING OFFICER MCGILL: Thanks.

15 Anand, why don't you start us off.

16 MR. RAO: I have a question on the
17 changes you have proposed for Section 218.105.

18 If an alternative protocol is used
19 to measure capture efficiency, the proposed Section
20 318.105(c)(2) would require the use of either Data
21 Quality Objective, which is also referred to as DQO,
22 or the Lower Confidence Limit, LCL, methodology.
23 Please briefly explain the DQO and LCL methodologies
24 and the differences between them.

1 MR. BECKSTEAD: USEPA, back in 1992,
2 called a moratorium on our capture efficiency
3 testing to evaluate ways that they can reduce costs
4 in determining capture efficiency. The industry had
5 repeatedly stated that the cost, especially for
6 temporary total enclosures, were a lot of times
7 prohibited. So during this study, the stakeholders
8 and manufacturing institute was very involved in
9 studies, and the conclusions after the testing and
10 the study was that the existing protocols were still
11 the most precise methodology they used for
12 determining capture efficiency.

13 However, from the studies, USEPA,
14 to give the industry some more flexibility to
15 respond to this cost question, they recommended that
16 states include the DQO and LCL approach. Basically,
17 these methodologies use a process parameter
18 measuring it repeatedly to a confidence level. If
19 you're going to satisfy the DQO, the confidence
20 level is 95 percent. If you're going to satisfy the
21 LCL, the confidence level is only 90 percent. The
22 difference between the two, the first, the DQO would
23 be used in the case of enforcement and to prove that
24 they are in compliance -- it doesn't disprove

1 anything, but it can prove that they're in
2 compliance with the capture efficiency requirements.

3 The LCL is a quick, much easier
4 administered type statistical approach, and it
5 merely proves a compliance for a permit or something
6 of that nature, but it would not stand the riggers
7 if enforcement was involved and you needed -- the
8 DQO needs to be satisfied if there's a question of
9 meeting the requirement.

10 Does that answer your question?

11 MR. RAO: Yes.

12 You mentioned that one of the --
13 and not the limitation, but the factors that cause
14 the USEPA to propose this alternate methodology was
15 the cost of the existing protocol.

16 Do you have any estimate of
17 what's, you know, the cost savings that these
18 industries will have by moving away from the
19 existing protocol?

20 MR. BECKSTEAD: No, I don't recall
21 ever seeing numbers of that nature, but I can
22 certainly see if I can get my hands on something.

23 I know that building a temporary
24 total enclosure, as you can well appreciate, could

1 be an expensive proposition with the DQO and LCL.
2 All that cost is eliminated if the parameter, if the
3 process parameter chosen is acceptable and they do
4 meet the statistical requirements and the
5 measurements.

6 I would have to touch base with
7 the USEPA and see if they have some numbers on
8 possible reduction of costs, but I don't have --

9 MR. RAO: If you can get any
10 information, you can provide it at the hearing.

11 MR. BECKSTEAD: Sure.

12 HEARING OFFICER MCGILL: I wanted to
13 follow up.

14 You mentioned the use of DQO for
15 enforcement purposes. There are a couple of
16 provisions in the proposal, Section 218.105(c)(2)
17 and the corresponding 219.105(c)(2), and the
18 language stated there, it says, in enforcement
19 cases, LCL cannot be used to establish
20 noncompliance. Sufficient tests must be performed
21 to satisfy the DQO.

22 My question is -- let me just ask
23 the general question.

24 Do you think this kind of language

1 belongs in the regulation, or is this more an
2 evidentiary issue that would be better left to a
3 case-by-case determination in an actual enforcement
4 action?

5 MR. BECKSTEAD: I think it belongs in
6 the regulation for this reason: I've had experience
7 already in the field that the LCL confidence level
8 being at 90 percent we don't feel is rigorous enough
9 when enforcement is involved. It's a good test,
10 it's kind of a go, no-go situation that it can allow
11 a person to -- say the capture efficiency
12 requirement is 90 percent, they could say with a
13 90 percent confidence we're passing 90 percent in
14 one or two quick tests.

15 But where you're talking about
16 enforcement or trading situations where units,
17 emission units might be traded like in interims, we
18 feel that the 95 percent confidence level gives
19 us more assurance, more confidence from an
20 environmental point of view that they really are
21 meeting our requirements and to give us a more exact
22 number, not just say, well, it's 90 percent.

23 HEARING OFFICER MCGILL: Could a
24 regulated entity then use LCL alone to demonstrate

1 compliance?

2 MR. BECKSTEAD: Right, yes,
3 definitely, definitely.

4 HEARING OFFICER MCGILL: So the
5 language, providing that in enforcement cases LCL
6 cannot be used to established noncompliance, is that
7 really addressing a complainant's burden of proof in
8 an enforcement case? I mean, that's a legal term,
9 and, Charles, if you want to jump in here we can go
10 ahead and swear you in or you guys can just think
11 about this, that really seems to be directed not to
12 the owner/operator or the regulated entity, but the
13 Attorney General's Office or a citizen complainant
14 in terms of what they might have to show to
15 establish a violation. I just -- personally, I'm
16 not speaking on behalf of the Board, it just struck
17 me as something curious to have in a regulation for
18 the -- for industry.

19 MR. BECKSTEAD: That terminology
20 and that exact wording was extracted from a
21 memorandum from USEPA when this DQO/LCL approach was
22 recommended, highly recommended, that we get this on
23 the books when the guideline was released for
24 implementation of -- and that's why we are more or

1 less following the USEPA's guidance on this. I
2 understand your dilemma there.

3 I think that, again, I feel that
4 we're -- I think the owner/operator would be aware
5 of this problem that if he's wanting to prove beyond
6 a doubt that he's in compliance, that he -- it's a
7 matter of taking a couple more tests, and, again,
8 there's considerable -- though I can't put an exact
9 cost savings number on it, there's considerable
10 cost savings already involved with allowing this to
11 be an alternative equivalent to our standard
12 protocol for capture efficiency testing.

13 I don't see where it would add
14 any additional unreasonable effort from the
15 owner/operator, but -- and, therefore, I would lean
16 more towards the guidance as written by USEPA that
17 we should follow that in.

18 HEARING OFFICER MCGILL: I had a
19 couple related questions. I'm going to go ahead and
20 just read them into the record and --

21 MR. BECKSTEAD: Okay.

22 HEARING OFFICER MCGILL: Because I
23 think it would make sense for you guys to consider
24 it and then maybe we can talk about it more in May

1 at the second hearing.

2 But I guess one of the questions I
3 had was the language provides that sufficient tests
4 must be performed to satisfy the DQO, does that mean
5 that those tests are required to prove a violation?
6 You're free to respond to that if you care to now or
7 we can take it up later.

8 MR. BECKSTEAD: No, that's -- I think
9 I can answer that question.

10 No, it's not to prove -- you know,
11 it's to -- the purpose of DQO and the additional
12 tests to satisfy DQO confidence level is to -- not
13 to prove violation at all, but to prove compliance.
14 It shouldn't be used to prove a violation.

15 HEARING OFFICER MCGILL: That's why
16 the language struck me as curious because it talks
17 about what can be used to establish noncompliance.
18 In enforcement cases, LCL cannot be used to
19 establish noncompliance, and it says sufficient
20 tests must be used to demonstrate DQO. It seems
21 like it's talking about an enforcement case where
22 somebody's trying to prove a violation, and what
23 might be considered admissible evidence or what
24 might be considered dispositive evidence or relevant

1 evidence, it just seems to be getting into
2 evidentiary issues for an enforcement case and a
3 potential violation which just -- I recognize that
4 the guidance is out there, the '95 memo, it just
5 struck me as an unusual provision, something
6 potentially impacting the Board when it's ruling in
7 an enforcement case or a Hearing Officer's ruling on
8 the admissibility of evidence or what's considered
9 dispositive of establishing a violation that that
10 might be better left to a case-by-case
11 determination. But, again, that's just my own
12 personal view and question that I have from looking
13 at this. I'm not speaking on the Board's behalf,
14 but I'd appreciate it if you guys could consider it
15 and --

16 MR. BECKSTEAD: Well, the other thing
17 that strikes my mind is that in the event that DQO
18 or LCL is not satisfied, there is always the option
19 of returning back to our existing testing protocol
20 and just go back to the standard temporary total
21 enclosure and go that direction. If the DQO seems
22 to be an obstacle in an enforcement case and -- in
23 whatever dimension, I mean, we could always require
24 a standard protocol methodology.

1 HEARING OFFICER MCGILL: That was
2 actually the last question I had.

3 This language that I've been
4 talking about where it starts talking about in
5 enforcement cases, this only relates to a facility
6 that's using an alternative protocol.

7 MR. BECKSTEAD: Right.

8 HEARING OFFICER MCGILL: Thanks.

9 BOARD MEMBER MOORE: The Agency's
10 proposed definition of the term screen printing on
11 paper, that Section 211.580, relies on the
12 definition of paper coating in Section 211.447. The
13 definition of paper coating includes coating not
14 only on paper, but also on plastic film or metallic
15 foil.

16 Please clarify whether the
17 Agency's proposed definition of screen printing on
18 paper would include printing on plastic film and
19 metallic foil or to be limited only to printing on
20 paper?

21 MR. BECKSTEAD: It's purpose is
22 printing on paper. The idea was that, historically,
23 people who are printing on paper should not and have
24 not been held to the limitations of Subpart F or

1 should not be covered under Subpart H, so it is
2 primarily, but I will, again, go back to the staff
3 engineer who drafted the definition and make sure.

4 BOARD MEMBER MOORE: Okay.

5 MR. BECKSTEAD: But from my
6 discussions with him, I think that's -- the best of
7 my knowledge, that's what it's supposed to be, paper
8 only.

9 MR. RAO: I think in your statement of
10 reasons you had mentioned that the definition for
11 screen printing on paper was the same as paper
12 coating, the definition of paper coating, except for
13 the way the ink is applied, you're reapplying the
14 ink by screens?

15 MR. BECKSTEAD: Right.

16 MR. RAO: Yeah, that would be helpful
17 if you can clarify.

18 MR. BECKSTEAD: Okay.

19 HEARING OFFICER MCGILL: So it's
20 really except -- screen printing on paper is a
21 process that would otherwise be paper coating,
22 except the ink is passed through a screen or fabric
23 to which a refined form of stencil has been applied.
24 I'm reading from the proposed definition.

1 MR. BECKSTEAD: Right.

2 HEARING OFFICER MCGILL: It's really
3 except ink is passed through that screen onto paper?

4 MR. BECKSTEAD: Right.

5 HEARING OFFICER MCGILL: I mean, it's
6 only paper.

7 MR. BECKSTEAD: Right.

8 HEARING OFFICER MCGILL: Thank you.

9 MR. RAO: One more clarification
10 question.

11 On Section 218.105(c)(2)(e),
12 please clarify whether section 218.105(c)(2)(e)
13 applies only to alternative capture efficiency
14 protocol described under Section 218.105(c)(2). If
15 so, would it be acceptable to the Agency to add
16 language limiting Subsection (c)(2)(e) to
17 alternative protocol?

18 MR. BECKSTEAD: You have to give me
19 time to get to that.

20 HEARING OFFICER MCGILL: Do you have a
21 copy of (c)(2)(e) in front of you? It's a new
22 Subsection.

23 MR. RAO: It says mass balance using
24 DQO/LCL.

1 MR. BECKSTEAD: Right. And your
2 question is is that --

3 MR. RAO: Is that limited only to
4 situations when they use alternative protocol?

5 MR. BECKSTEAD: Right, right.

6 From talking to our field
7 representative, we specifically put that in to save
8 us from going to the Board every time somebody
9 wanted to use DQO/LCL in a mass balance type
10 approach rather than come to you and say, okay, here
11 is an equivalent alternative methodology that USEPA
12 has already approved in advance, and rather than go
13 through that process, which from talking to our
14 field representative this is probably going to be
15 the major use of DQO/LCL, the mass balance kind of
16 approach. So we've put it in our rules up front,
17 and, yes, it does apply only to people who have used
18 DQO and LCL. And if you need additional language in
19 there, we're amenable to that additional language to
20 that effect.

21 MR. RAO: Okay. Thank you very much.

22 HEARING OFFICER MCGILL: I'm just
23 following up.

24 So this is limited to the

1 alternative protocol or situation and to avoid
2 having to come in for an adjusted standard or a
3 variance before the Board?

4 MR. BECKSTEAD: Right.

5 HEARING OFFICER MCGILL: Thank you.

6 MS. LIU: My question goes to Section
7 218.411(a)(1)(b)(3). I don't know if you want to
8 flip to that one.

9 MR. BECKSTEAD: Okay.

10 MS. LIU: Right now it uses the term
11 adjustment factor when referring to non-impervious
12 substrates or pervious substrates, and then later on
13 in the language the Agency proposes the term
14 retention factor used in that same paragraph, and I
15 was wondering, were they the same thing, the
16 adjustment factor and the retention factor or just
17 different terminology?

18 MR. BECKSTEAD: That one is beyond my
19 technical knowledge. I'll have to go to the
20 gentleman who actually wrote the terminology and
21 address that.

22 So your question is, does
23 impervious adjustment factor equal retention factor?

24 MR. LIU: Yes. I had another question

1 as well.

2 There were some formulas in
3 Section 218.406 and the corresponding 219.406, and
4 they were revised by replacing a notation (e) Sub
5 (p) with Sigma, capital Sigma Sub (p), and I was
6 wondering if someone knew why they had done that?

7 MR. BECKSTEAD: Okay.

8 MS. LIU: I went back to the original
9 Board opinion when they actually adopted the
10 language and they do use (e) Sub (p), and it would
11 seem to me that the Sigma notation is something
12 generally used in math for a summation --

13 MR. BECKSTEAD: Right.

14 MS. LIU: -- and it is not used that
15 way here and I was just wondering if it was a
16 mistake or --

17 MR. BECKSTEAD: The use of that Sigma,
18 okay.

19 MS. LIU: -- what somebody was
20 thinking when they did that?

21 MR. BECKSTEAD: Okay. Same gentleman.
22 We'll check it.

23 MS. LIU: In those equations, they
24 also add a new factor, R, the retention factor, and

1 they assign two different values, whether you're
2 using an impervious surface or a pervious surface,
3 and I think for the pervious surface they give a
4 default value now of R equals point 8, and I was
5 wondering if somebody knew how they derived that
6 value of point 8 for a pervious surface?

7 MR. BECKSTEAD: The changes were on
8 the basis of a CTG, an issued CTG, or an alternative
9 guidance document, and I'm sure that it was just
10 lifted directly from that guidance. I'm sure that's
11 how it was applied.

12 MS. LIU: Okay.

13 MR. RAO: Just as a follow-up, is that
14 CTG in confidence by reference in this rule or in
15 any other rule or --

16 MR. BECKSTEAD: It should have been,
17 yeah. Okay. If it's not, it's an oversight, and we
18 should reference that.

19 HEARING OFFICER MCGILL: I'm sorry.
20 Could we just explain what CTG stands for?

21 MR. BECKSTEAD: Oh, I'm sorry.

22 Control Techniques Guideline.

23 HEARING OFFICER MCGILL: Thank you,
24 for the record.

1 MS. LIU: I'm done.

2 HEARING OFFICER MCGILL: I just had
3 one last question.

4 It has to do with the
5 incorporation by reference of the February 1995 memo
6 from USEPA's John Seitz regarding capture
7 efficiency. That's Sections 218.112(b)(b) and
8 219.112(z).

9 It does not appear that the memo
10 is referred to anywhere else in the rules and so I
11 was wondering, if that is the case, do you think
12 it's necessary to incorporate the memo by reference.

13 MR. BECKSTEAD: This memorandum
14 contains the language that we were discussing at the
15 opening of the hearing about when can LCL be used
16 versus when should DQO be used, because I had this
17 controversy in the field with a gentleman that said
18 no place in the guidelines is that defined, is that
19 actually clarified. The DQO should only be used if
20 enforcement is involved. I mean, not only, but it's
21 the only way that you could prove that you're
22 actually meeting a requirement if enforcement is in
23 action, or if you want to use the commission credit
24 for trading purposes, we need the DQO to be

1 satisfied in both those. And that's the only
2 place -- and I don't know why USEPA -- that's why we
3 felt that it was necessary to incorporate that
4 memorandum to substantiate that this is the
5 intention that USEPA had and how we should use and
6 how we feel should use DQO/LCL. We feel it's a
7 necessary ingredient.

8 HEARING OFFICER MCGILL: Thank you.

9 I'll note for the record that no
10 member of the public has joined us.

11 Did the Agency have any additional
12 testimony they'd like to add today? Did you have
13 any questions on the Board-initiated proposal R04-12
14 or any comments at this point?

15 MR. MATOESIAN: No, we don't.

16 HEARING OFFICER MCGILL: Thank you.
17 I'll just address a few procedural issues before we
18 adjourn.

19 I am going to mark as Hearing
20 Exhibit Number 1 five Board orders from past
21 proceedings that provide the basis for the proposed
22 changes to the equations in R04-12. Those Board
23 orders -- I'll just give the dates and the docket
24 numbers, May 25, 1978, that's R75-5, R74-2;

1 December 14, 1978, R75-5, R74-2; February 15, 1979,
2 R75-5, R74-2; February 24, 1983, R80-22; and
3 April 20, 1995, R94-32.

4 (Document marked as Hearing
5 Exhibit No. 1 for identification,
6 3/18/04.)

7 HEARING OFFICER MCGILL: And having
8 these Board orders collected as a Hearing Exhibit
9 will make them easier to access for any interested
10 participants in this rulemaking.

11 For the record, is there any
12 objection to entering these documents as a Hearing
13 Exhibit?

14 MR. MATOESIAN: No.

15 HEARING OFFICER MCGILL: Then I will
16 go ahead and enter this into the record as Hearing
17 Exhibit Number 1.

18 (Whereupon, Hearing Exhibit
19 No. 1 was entered into
20 record by Hearing Officer
21 McGill.)

22 HEARING OFFICER MCGILL: The next item
23 I'll just note that anyone may file written public
24 comments on either or both of these rulemaking

1 proposals with the Clerk of the Board. The second
2 hearing in this consolidated rulemaking is scheduled
3 for May 6, 2004 beginning at 1:30 in the afternoon.
4 It will be held in the Illinois Pollution Control
5 Board hearing room at 1021 North Grand Avenue East,
6 north entrance, in Springfield.

7 I note the current notice and
8 service list for this rulemaking are located over by
9 the door. Persons on the notice list receive only
10 Board and Hearing Officer orders, those on the
11 service list receive copies of those orders as well
12 as filings made by other participants.

13 For example, if you file a public
14 comment with the Clerk of the Board, you must serve
15 a copy of your public comments to those persons on
16 the service list.

17 Copies of today's hearing
18 transcript should be available at the Board's
19 offices by the end of this month. Shortly after
20 that, the transcript should be available on the
21 Board's website at www.ipcb.state.il.us. There you
22 will also find both rulemaking proposals R04-12 and
23 R04-20, as well as Board orders throughout this
24 proceeding.

1 If anyone has any questions about
2 the procedural aspects of this rulemaking, I can be
3 reached by telephone at (312) 814-6983 or e-mail at
4 mcgillr@ipcb.state.il.us.

5 Are there any other matters that
6 need to be addressed at this time?

7 MR. MATOESIAN: No.

8 HEARING OFFICER MCGILL: Thank you.

9 Thanks to everyone for your
10 participation today and this hearing is adjourned.

11 (Which were all the proceedings
12 had in the above-entitled cause
13 on this date.)

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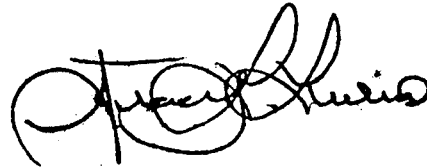
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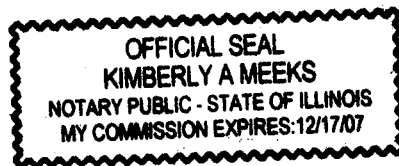
1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF DUPAGE)
4

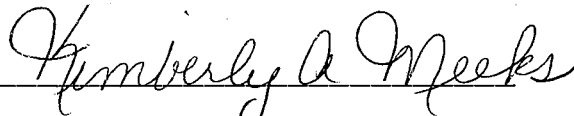
5 I, STACY L. LULIAS, CSR, do hereby
6 state that I am a court reporter doing business in
7 the City of Chicago, County of DuPage, and State of
8 Illinois; that I reported by means of machine
9 shorthand the proceedings held in the foregoing
10 cause, and that the foregoing is a true and correct
11 transcript of my shorthand notes so taken as
12 aforesaid.

13 

14 _____
15 Stacy L. Lulias, CSR
16 Notary Public,
17 DuPage County, Illinois

18 SUBSCRIBED AND SWORN TO
19 before me this 20th day
20 of April, A.D., 2004.



21 

22 Notary Public
23
24