From: Mike McCambridge
To: Bilbruck, Shannon
Date: 10/9/2007 2:43:36 PM
Subject: Re: VOM exemption rulemaking

PC 1
R08-6

I am beginning work on the definition of VOM opinion and order today. I need to finish it promptly.

I need two things from you at your earliest convenience:

Please forward whatever document to which you referred to as attached to your September 20 e-mail. It was not attached to the e-mail that I received. If you have any other documentation, or if you can submit a filing that clearly outlines the problem in the text and requests a change, please forward that also. I need the extent of the requested changes desired by the Agency and the justification for those changes.

I also need to schedule the required public hearing. The hearing is required by the CAA because the amendments to the definition of VOM will result in a SIP revision. Historically, the definition of VOM hearings are very brief. We have held them in Chicago. The hearing requires about 45 days for public notice, and it is best held about three weeks after the proposal for public comment appears in the Illinois Register. In this instance, I anticipate publication of the proposal in the November 2, 2007 issue of the Register. Three weeks later is the week of Thanksgiving, which coincides with 45 days from now. Thus, I believe some time the week of December 3 would be the appropriate time for the hearing. Dr. Girard is available that week after Monday, and he has stated that early Wednesday afternoon, December 5, would be best for him.

Please tell me promptly whether 1:00 p.m., Wednesday, December 5 is acceptable for the public hearing. We must move promptly to schedule the hearing. In order to assure the availability of an adequately sized room for the hearing, please estimate the number of Agency personnel who are likely to attend. We can conduct the hearing in the Board's office unless the meeting room in Chicago is too small. Otherwise I must reserve a room in the Thompson Center.

John Therriault: Please place this e-mail in the R08-6 docket together with the earlier e-mails from the Agency as public comment 1 (PC 1).

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
312-814-6924

>>> "Shannon Bilbruck" <Shannon.Bilbruck@illinois.gov> 9/20/2007 4:16 PM >>>
Mike.

Please see the attached background/issue paper pertaining to the TBAC revision. USEPA agreed with the proposed amendment to 211.7150(a), which is presented in the attached document. If you have any further questions and/or concerns, just let me know.

Thanks
Shannon

>>> "Mike McCambridge" <mccambridge@ipcb.state.il.us> 9/20/2007 3:36 PM >>>
I will begin it very soon. Send what you need the Board to review very quickly.

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
312-814-6924
>>> "Shannon Bilbruck" <Shannon.Bilbruck@illinois.gov> 09/20/07 2:58 PM >>>
Mike.

I just wanted to follow up with you pertaining to our earlier conversation pertaining to the VOM exemption rulemaking docketed as R08-006, ie including language amending the TBAC exemption (due to USEPA comments). USEPA has contacted us asking about when the rulemaking would be initiated. I told them that I was going to check with you to see when this rulemaking might come up?? Sorry to bother you again..

From: "Shannon Bilbruck" <Shannon.Bilbruck@illinois.gov>
To: <mccambm@ipcb.state.il.us>
Date: 9/20/2007 2:59:00 PM
Subject: VOM exemption rulemaking

PC 1
R08-6

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Thanks
shannon

PC 1
R08-6

From: "Shannon Bilbruck" <Shannon.Bilbruck@illinois.gov>
To: "Mike McCambridge" <mccambridge@ipcb.state.il.us>
Date: 9/20/2007 4:16:09 PM
Subject: Re: VOM exemption rulemaking

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Thanks
shannon

CC: "John Kim" <John.J.Kim@illinois.gov>, "Rob Kaleel" <Rob.Kaleel@illinois.gov>

R08-6
PC 1

From: "Shannon Bilbruck" <Shannon.Bilbruck@illinois.gov>
To: <mccambm@ipcb.state.il.us>
Date: 10/10/2007 10:51:55 AM
Subject: VOM exemption rulemaking

Mike.

Please see the attached document that should have been attached to the September 20, 2007 email.

Shannon

Issue Paper:
Exclusion of tertiary-Butyl Acetate
From the
Definition of VOM at 35 Ill Adm Code 211.7150

U.S.EPA published the final rule for the exclusion of tertiary-Butyl Acetate (TBAC) on November 29, 2004. (69 FR 69298). The definition of VOM was revised such that TBAC is no longer considered a VOM because it is negligibly photochemical reactive. However, U.S.EPA required that TBAC still be considered a VOM for purposes of all recordkeeping, emissions reporting, and inventory requirements. Further, as with other excluded compounds in 211.7150, TBAC will not be a VOM for purposes of VOM limitations or VOM content requirements in Illinois EPA regulations.

Illinois EPA addressed the two concerns of U.S.EPA by: 1) including TBAC in the list of negligible photochemical reactive VOM compounds at 35 Ill Adm Code 211.7150(a); and 2) specifying the recordkeeping, emission reporting, dispersion modeling and inventory requirements at 211.7150 (e). An identical-in-substance rulemaking with Illinois EPA's proposed language was adopted by the IPCB on May 19, 2005, and published in the Illinois Register on June 3, 2005 (Vol. 29, pages 8197 – 8201).

Upon review of the IPCB adopted revisions by U.S EPA Region V for the purpose of SIP approval, Matt Rau advised that an impacted user might read 211.7150(a) as providing only that TBAC was no longer classified as a VOM. His concern was that an impacted user may not read on and learn of the recordkeeping requirements also specified in 211.7150(e). His suggested solution is to remove TBAC from the list of negligibly photochemical reactive compounds completely. The Regulatory Unit considers this to be a poor solution. Since this is a negligibly photochemical reactive compound it should be listed in 211.7150(a) as has historically always been done.

After discussing this matter with him, he has agreed to consider additional language in 211.7150(a) that will refer the reader to 211.7150(e).

Following is our proposed language for 211.7150(a):

a) This includes any such organic compound other than the following, which have been determined by USEPA to have negligible photochemical reactivity. The following listed compounds are not VOM for purposes of VOM limitations or VOM content requirements. However, certain of these compounds are considered VOM for purposes of recordkeeping, emissions reporting, and inventory requirements, as described in 211.7150 (e).