

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE 217,) R11-24
) (Rulemaking – Air)
NITROGEN OXIDES EMISSIONS)

NOTICE

TO: John Therriault Daniel Robertson
Assistant Clerk Hearing Officer
Illinois Pollution Control Board Illinois Pollution Control Board
James R. Thompson Center James R. Thompson
100 West Randolph St., Suite 11-500 100 West Randolph St., Suite 11-500
Chicago, IL 60601 Chicago, IL 60601

Virginia Yang Alec M. Davis
Deputy Counsel General Counsel
Illinois Department of Natural Resources Illinois Environmental Regulatory Group
One Natural Resources Way 215 E. Adams St.
Springfield, IL 62702 Springfield, IL 62701

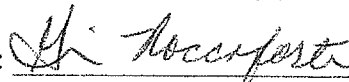
Alec Messina Kathleen C. Bassi
Executive Director Schiff Hardin, LLP
Illinois Environmental Regulatory Group 233 South Wacker Drive, Suite 6600
215 E. Adams St. Chicago, IL 60606
Springfield, IL 62701

Matthew Dunn Gerald T. Karr
Chief Senior Assistant Attorney General
Environmental Enforcement/Asbestos Environmental Bureau
Litigation Division Illinois Attorney General's Office
Illinois Attorney General's Office 69 W. Washington St., 18th Floor
69 W. Washington St., 18th Floor Chicago, IL 60602
Chicago, IL 60602

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois
Pollution Control Board the TESTIMONY OF ROBERT KALEEL, a copy of which is herewith
served upon you.

DATED: May 19, 2011
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217/782-5544

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Gina Roccaforte
Assistant Counsel
Division of Legal Counsel

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE 217,) R11-24
) (Rulemaking – Air)
NITROGEN OXIDES EMISSIONS)

TESTIMONY OF ROBERT KALEEL

My name is Robert Kaleel. I am the Manager of the Air Quality Planning Section in the Bureau of Air at the Illinois Environmental Protection Agency (“Illinois EPA”). I have a Bachelor of Science degree in meteorology from Northern Illinois University. I have worked at the Illinois EPA for more than thirty years, and have been in my present position since 2004. Prior to that, I was the Manager of the Air Quality Modeling Unit in the Air Quality Planning Section, a position that I held for more than fifteen years. I have also worked as a private consultant, as a specialist in air quality modeling.

As Manager of the Air Quality Planning Section, my responsibilities include oversight of staff that provides technical support for regulatory initiatives needed to address air quality issues in Illinois, including the regulatory proposal before the Illinois Pollution Control Board (“Board”) at this hearing. I have been closely involved with the development of Illinois’ State Implementation Plans to address the fine particulate matter (“PM_{2.5}”) and ozone nonattainment areas in Illinois. My testimony will explain the purpose of this proposal.

These regulations propose to modify the date for compliance with the requirements of certain Subparts of 35 Ill. Adm. Code Part 217, Nitrogen Oxides Emissions. These provisions relate to the control of nitrogen oxides (“NO_x”) emissions from various source categories, including industrial boilers, process heaters, glass melting furnaces, cement kilns, lime kilns, furnaces used in steel making and aluminum melting, and fossil fuel-fired stationary boilers. The Board adopted these provisions in 2009 to improve air quality, particularly for ozone and PM_{2.5} in and downwind of the Chicago and Metro-East nonattainment areas. The provisions were also intended to satisfy the NO_x reasonably available control technology (“RACT”) requirement under Sections 172 and 182 of the Federal Clean Air Act (“CAA”). In general, the compliance date set forth in these

Electronic Filing - Received, Clerk's Office, May 19, 2011

amendatory provisions is January 1, 2012. This submittal proposes to change that compliance date to January 1, 2015.

At the time of the Board's promulgation of the amendments to Part 217, there were two areas designated as nonattainment for the 1997 8-hour ozone standard: the Chicago and Metro-East metropolitan areas. These same areas, with some differences in boundaries in the Metro-East area, were designated as nonattainment areas for the annual PM_{2.5} standard. Both areas are part of multi-state nonattainment areas, and emissions originating in both areas are considered to contribute significantly to nonattainment in downwind areas in other states.

Subsequent to the Board's adoption of these provisions, quality-assured monitoring data for 2007 through 2009 demonstrated that both the 1997 8-hour ozone National Ambient Air Quality Standard ("NAAQS") and the 1997 annual PM_{2.5} NAAQS had been attained in both multi-state nonattainment areas, even though the provisions had not yet been implemented. Attainment of these standards allows for the redesignation of the areas to attainment, assuming Illinois has met all other CAA requirements. Accordingly, the Illinois EPA has submitted requests to the United States Environmental Protection Agency ("U.S. EPA"), or is in the process of doing so, to redesignate the areas to attainment for both pollutants in both nonattainment areas.

In order to expedite the redesignation process, the Illinois EPA submitted a request to the U.S. EPA on July 29, 2010, for a NO_x RACT waiver for the 1997 8-hour ozone standard for the Illinois ozone nonattainment areas to address this CAA requirement. On December 8, 2010, the U.S. EPA proposed to approve, and on February 22, 2011, the U.S. EPA did approve the Illinois EPA's NO_x RACT waiver request. The approved waiver thus satisfied the CAA requirement for implementing NO_x RACT for the Illinois ozone nonattainment areas for the 1997 8-hour ozone standard, thereby removing an impediment to redesignating the areas to attainment.

Even though the implementation of the subject provisions ultimately was not necessary to attain the 1997 ozone and PM_{2.5} air quality standards, the Illinois EPA believes that implementation will still be required.

In 2010, the U.S. EPA proposed to revise the level of the 8-hour primary ozone NAAQS, lowering it from the level of the 1997 standard (0.08 parts per million ("ppm")) to somewhere in the range between 0.060 ppm and 0.070 ppm. Although U.S. EPA has not

finalized this proposal, it has announced its intention to do so by July of this year. Several areas in Illinois, including Chicago and Metro-East, have ozone air quality levels that currently do not meet the proposed levels of the revised ozone NAAQS. These areas will likely be designated as nonattainment areas after the revised NAAQS becomes effective. The CAA requires NO_x RACT for areas designated as nonattainment for the ozone NAAQS, at a classification of moderate or above.

Similarly, the U.S. EPA is reviewing the NAAQS for PM_{2.5}, and has announced its intention to propose tightening the PM_{2.5} NAAQS later this year. The Illinois EPA believes that further reductions of NO_x emissions in the Chicago and Metro-East areas will be necessary to improve air quality to meet these revised NAAQS in the future and to meet future obligations to address NO_x RACT, as required by the CAA.

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON) SS
)

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served electronically the attached

TESTIMONY OF ROBERT KALEEL upon the following persons:

John Therriault
Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph St., Suite 11-500
Chicago, IL 60601-3218
therriaj@ipcb.state.il.us

Daniel Robertson
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph St., Suite 11-500
Chicago, IL 60601-3218
robertsd@ipcb.state.il.us

Virginia Yang
Deputy Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702
virginia.yang@illinois.gov

Alec M. Davis
General Counsel
Illinois Environmental Regulatory Group
215 E. Adams St.
Springfield, IL 62701
adavis@ierg.org

Alec Messina
Executive Director
Illinois Environmental Regulatory Group
215 E. Adams St.
Springfield, IL 62701
amessina@ierg.org

Kathleen C. Bassi
Schiff Hardin, LLP
233 South Wacker Drive, Suite 6600
Chicago, IL 60606
kbassi@schiffhardin.com

Matthew Dunn
Chief
Environmental Enforcement/Asbestos
Litigation Division
Illinois Attorney General's Office
69 W. Washington St., 18th Floor
Chicago, IL 60602
mdunn@atg.state.il.us

Gerald T. Karr
Senior Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington St., 18th Floor
Chicago, IL 60602
gkarr@atg.state.il.us

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,



Gina Roccaforte
Assistant Counsel
Division of Legal Counsel

Dated: May 19, 2011
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
(217) 782-5544