

ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: ) R19-14  
NATIONAL AMBIENT AIR ) (Consolidated:  
QUALITY STANDARDS, USEPA ) R20-3 and R20-11)  
REGULATIONS (JULY, 2018 )  
THROUGH DECEMBER 31, 2018) )

REPORT OF THE PROCEEDINGS held in the above entitled cause before Hearing Officer Michael McCambridge, called by the Illinois Pollution Control Board, taken by Kari Wiedenhaupt, CSR, for the State of Illinois, 100 West Randolph Street, Chicago, Illinois, on the 16th Day of July 2020, commencing at the hour of 11:52 a.m.

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A P P E A R A N C E S

MS. BARBARA FLYNN CURRIE, Chairman

MS. BRENDA CARTER, Board Member

ALSO PRESENT:

MR. MICHAEL McCAMBRIDGE, Hearing Officer

MS. MARIE TIPSORD, IPCB

MR. TIM FOX, IPCB

ANNET GODIKSEN, IEPA

SHANNON BILBRUCK, IPCB

DANIEL PAULEY, IPCB

ANDREW RUSSO, IEPA

BRAD HALLORAN, IPCB

BRENDAN KILLIAN, IPCB Intern

CHLOE CUMMINGS, IPCB

DANA VETTERHOFFER, IEPA

ESSENCE BROWN, IPCB

JARED BLACK, IPCB Intern

PAUL GRABOWSKI, IPCB

DON BROWN, Clerk of the IPCB

VANESSA HORTON, IPCB

RORY DAVIS, IEPA

1 MS. TIPSORD: My name is Marie  
2 Tipsord. I am general counsel with the Pollution  
3 Control Board, and I'm going to open the hearing  
4 in the James R. Thompson Center. Our hearing  
5 officer, Michael McCambridge, is joining us via  
6 WebEx, and with that, I am going to turn this over  
7 to Mr. McCambridge.

8 Mike, go ahead and proceed.  
9 And, Mike, don't forget to record this.

10 HEARING OFFICER McCAMBRIDGE: Who is  
11 recording?

12 MS. TIPSORD: You will have to.  
13 You're the host.

14 HEARING OFFICER McCAMBRIDGE: Okay.  
15 Where do I record? Oh, I see. Recorder. Okay.  
16 Record. Okay.

17 Let the record show that it's  
18 now 11:52 on a hearing that was noticed for  
19 11:45 a.m. today. This is a hearing being held to  
20 satisfy federal SIP requirements because the end  
21 product of this rulemaking will be a SIP revision.

22 Again, I am the hearing officer.  
23 My name is Mike McCambridge. The Board Member  
24 assigned to this is Ms. Currie, who is on the

1 WebEx, or she is participating remotely.

2 Marie, are you the only person  
3 in the Chicago office?

4 MS. TIPSORD: Tim Fox is also here.

5 HEARING OFFICER McCAMBRIDGE: Tim  
6 Fox is also there. Okay.

7 Could the people in the  
8 Springfield office identify for the record?

9 MS. GODIKSEN: Annet Godiksen for  
10 the Illinois Environmental Protection Agency.

11 MS. BILBRUCK: Shannon Bilbruck with  
12 the Board.

13 HEARING OFFICER McCAMBRIDGE: Okay.  
14 Is -- are those the only people present in  
15 Springfield?

16 MS. BILBRUCK: Yes.

17 HEARING OFFICER McCAMBRIDGE: Okay.

18 To make this easy, I will ask the participants I  
19 see remote to identify them -- ourselves as I name  
20 them from my screen.

21 Daniel Pauley, you are present  
22 remotely?

23 MR. PAULEY: Yes. Present remotely.

24 HEARING OFFICER McCAMBRIDGE: Okay.

1 And you are an attorney for the Board.

2 We have Andrew Rus- -- Russo.

3 You are present remotely?

4 MR. RUSSO: I am an engineer with  
5 the Illinois EPA.

6 HEARING OFFICER McCAMBRIDGE: I'm  
7 sorry? And you are with the Agency?

8 MR. RUSSO: Yes.

9 HEARING OFFICER McCAMBRIDGE: Okay.  
10 Very good. I have already identified Ms. Currie.  
11 Can you verify that you are there?

12 CHAIRMAN CURRIE: I am indeed.

13 HEARING OFFICER McCAMBRIDGE: The  
14 Chairman of the Board, and one of the attending  
15 Board Members.

16 We have Brad Halloran with the  
17 Board. Can you identify or verify?

18 MR. HALLORAN: Yes. Thank you,  
19 Mr. McCambridge. I am here.

20 HEARING OFFICER McCAMBRIDGE: Okay.  
21 We have Board Member Brenda Carter participating  
22 remotely. Could you verify?

23 BOARD MEMBER CARTER: I am here,  
24 Mike.

1 HEARING OFFICER McCAMBRIDGE: One of  
2 the Board Members.

3 MR. KILLIAN: Brendan Killian,  
4 can you verify and identify?

5 MR. KILLIAN: Yes. Hi.

6 HEARING OFFICER McCAMBRIDGE: Okay.  
7 And you are one of the Board's interns?

8 MR. KILLIAN: Correct, yes.

9 HEARING OFFICER McCAMBRIDGE: We  
10 have Chloe Cummings with the Board?

11 MS. CUMMINGS: Yep, I'm here.

12 HEARING OFFICER McCAMBRIDGE: Okay.  
13 Dana Vetterhoffer with the Agency, I believe?

14 MS. VETTERHOFFER: Yes, I am here.

15 HEARING OFFICER McCAMBRIDGE: Okay.  
16 Essence Brown with the Board?

17 MS. BROWN: Here.

18 HEARING OFFICER McCAMBRIDGE: Okay.  
19 Jared Black, one of the Board's interns?

20 MR. BLACK: Yes, I am here.

21 HEARING OFFICER McCAMBRIDGE: Okay.  
22 And the Board IT person, Paul Grabowski.

23 MR. GRABOWSKI: I am here at JRTC.

24 HEARING OFFICER McCAMBRIDGE: Okay.

1 And I have Don Brown, the Clerk of the Board. Are  
2 you there, Don? Oh, I see a DB box here, but I  
3 don't get verification. Now I have a box that I  
4 can't read. Oh, Vanessa Horton is down here.  
5 Attorney for the Board, yes?

6 MS. HORTON: I am here. I am  
7 present.

8 HEARING OFFICER McCAMBRIDGE: So you  
9 acknowledge --

10 MS. HORTON: I do.

11 HEARING OFFICER McCAMBRIDGE: Okay.  
12 Now I have a call-in user 3. Could that person  
13 identify?

14 MR. DAVIS: That might be me. Rory  
15 Davis with the Illinois EPA.

16 HEARING OFFICER McCAMBRIDGE: Okay.

17 MR. DAVIS: I'm not --

18 HEARING OFFICER McCAMBRIDGE: Okay.

19 I have a box --

20 MR. DAVIS: I had one.

21 HEARING OFFICER McCAMBRIDGE: I have  
22 a box with your name on it. I don't know how I  
23 missed it. These things shuffle as we go.

24 But there are two boxes here

1 that I can't quite --

2 MR. BROWN: You know, it might --

3 HEARING OFFICER McCAMBRIDGE: I'm  
4 sorry? Don is --

5 MR. BROWN: This is Don.

6 HEARING OFFICER McCAMBRIDGE: --  
7 acknowledged, but there are two other boxes open  
8 here that I can't identify. One is call-in user  
9 3, and the other I can't read because of the  
10 record -- the recorder button, and I don't want to  
11 mess with that.

12 Does anyone else wish to  
13 identify for the record?

14 CHAIRMAN CURRIE: You certainly  
15 named everybody that's showing up on my screen.

16 HEARING OFFICER McCAMBRIDGE: Okay.  
17 Yeah, call-in user 3 then. There's something  
18 underneath the recorder here, and that was  
19 Chairman Currie that just spoke, correct?

20 CHAIRMAN CURRIE: Yes. Just to say  
21 that it looks to me as if we've covered --

22 HEARING OFFICER McCAMBRIDGE: Okay.

23 CHAIRMAN CURRIE: -- everybody  
24 that's listed as a participant on my screen.



1 HEARING OFFICER McCAMBRIDGE: Okay.  
2 Very good. It's a little tedious, I know, but  
3 with everybody being remote, I wanted to make sure  
4 it was clear.

5 CHAIRMAN CURRIE: Sure.

6 HEARING OFFICER McCAMBRIDGE: The  
7 Board -- this is the R19-14 (R20-3, R20-11)  
8 Consolidated National Ambient Air Standards or  
9 NAAQX -- or NAAQS update. It covers the first  
10 half or second half of 2 -- 2018 and the first and  
11 second halves of 2019.

12 During the period, USEPA,  
13 October 16th, 2018, had air designations under the  
14 2015 NAAQS for ozone for -- the USEPA corrected  
15 earlier actions in which it had excluded McHenry  
16 and Monroe counties. They add it with the  
17 October 16th action, and the Board -- no Board  
18 action is required on that.

19 December 27th, 2018, USEPA  
20 redesignated areas in Illinois formerly  
21 unclassifiable as unclassifiable attainment for  
22 the 2012 primary annual average NAAQS for fine  
23 particulates. March 18th, 2019, the USEPA decided  
24 to retain the existing 2010 primary NAAQS for

1 sulfur dioxide. No Board action is required on  
2 that one.

3 On March 29th, 2019, USEPA  
4 designated a new federal equivalent method for  
5 ozone in ambient air. The Board has to  
6 incorporate that method into the rules.

7 May 28th, 2019, USEPA res- --  
8 designated the Metro East area to attainment for  
9 the 1997 primary and secondary NAAQS for fine  
10 particulates. That means that it -- that NAAQS no  
11 longer applies within Illinois, and this action  
12 would remove the 1997 primary and annual average  
13 NAAQS for PO -- or for fine particulates from the  
14 Illinois rules.

15 May 28th, 2019, USEPA  
16 incorporated or it designated a new federal  
17 reference method for carbon monoxide and ambient  
18 air. The Board has to include that in the  
19 Illinois rules.

20 August 23rd, 2019, USEPA  
21 reclassified the Chicago/Naperville area from  
22 moderate to serious non-attainment for the 2008  
23 primary and secondary NAAQS for ozone.

24 September 13th, 2019, USEPA

1 reconsidered its 2016 definition of Williamson  
2 County as non-attainment for the 2010 NAAQS for  
3 SO2 and designated that -- that county as  
4 attainment for the NAAQS for sulfur dioxide.

5 That means as a result of that  
6 action, the only area in Illinois to which the  
7 sulfur dioxide, the NAAQS would apply, is Macon  
8 County, and the Board has proposed revising the  
9 rule to reflect that.

10 September 26th, 2019, USEPA  
11 incorporated -- or designated a new federal  
12 reference method for nitrogen dioxide in the  
13 ambient air. The Board needs to change the rules  
14 to reflect that.

15 Now, on December 15th, 2019,  
16 USEPA updated its list of designated reference and  
17 equivalent methods. The result of that update is  
18 that it incorporates all of the March 29th, 2019,  
19 28th, 2019, and September 26, 2019 federal actions  
20 into this document. So the Board's update of the  
21 incorporation by reference of that document will  
22 incorporate all three of those federal changes.

23 The -- I didn't say it, but the  
24 Board's May 21st, 2020 proposal for public comment

1 appears -- appeared in the June 5th, 2020 Illinois  
2 Register. That started the public comment period.  
3 That public comment period would end 45 days later  
4 on July 20th. However, I am going to extend that  
5 to allow two weeks after this hearing for people  
6 to submit any comments resulting from this hearing  
7 so that the public comment period would end on  
8 August 31st of this year just over two weeks from  
9 now.

10 So far the Board has received  
11 public comments from JCAR, which included just  
12 some minor correction to the -- well, it  
13 basically -- a very minor correction reflecting  
14 inapplicability outside -- in Illinois outside of  
15 Macon County.

16 We also received comments from  
17 the Illinois EPA and basically, Illinois EPA  
18 pointed out an error in the opinion that will be  
19 corrected. It relates to the 1997 primary and  
20 secondary NAAQS for PM 2, fine particulates.

21 And that's all I have on this,  
22 besides the target right now is to put this  
23 rulemaking for final adoption on the Board's  
24 agenda. I believe that date is August 13th, 2020.

1 So make sure that any comments that are wanted are  
2 submitted before the close of public comment  
3 period on August 31st of this month or next  
4 month -- or July 31st. I'm sorry. July 31st is  
5 the deadline. Make sure comments are in by that  
6 time.

7 Now, does anyone wish to add to  
8 the record? Please identify yourself, and state  
9 what you wish to add.

10 Anyone in Chicago?

11 MS. TIPSORD: No one.

12 HEARING OFFICER McCAMBRIDGE: Seeing  
13 nobody?

14 MS. TIPSORD: No.

15 HEARING OFFICER McCAMBRIDGE:  
16 Anybody in the Springfield office?

17 MS. GODIKSEN: I have a question.  
18 This is Annet Godiksen with the Agency.

19 HEARING OFFICER McCAMBRIDGE: Yes.

20 MS. GODIKSEN: In our comments  
21 that -- in our comments that we filed, we asked  
22 for clarification for Questions 1 and 2, which we  
23 didn't quite understand. Do you have that  
24 clarification?

1 HEARING OFFICER McCAMBRIDGE: Not --  
2 not right at the moment. I was seeking --

3 THE COURT REPORTER: I can't hear  
4 you. I'm sorry. Mr. McCambridge, could you say  
5 that again?

6 HEARING OFFICER McCAMBRIDGE: You  
7 wish what repeated?

8 THE COURT REPORTER: Your answer.  
9 At the beginning it was blocked out by noise. So  
10 I'm sorry. Could you --

11 HEARING OFFICER McCAMBRIDGE: Okay.  
12 Not at this moment. I looked at them. I do know  
13 that the two questions sought clarification in an  
14 area where the Board does not directly participate  
15 with USEPA, as does the Agency.

16 And if you wish, I will pull  
17 that up here and take a second look. Let me see  
18 here, if this thing could just respond to me  
19 positively. Okay. That's a little slow here  
20 because of bandwidth problems, but I -- there we  
21 go. Okay. There we go. I've got the text now.

22 The two Board's questions were:  
23 Do USEPA area -- Agency designations to ozone, the  
24 ozone NAAQS, have any impact on the effect of the

1 ozone NAAQS? Do USEPA's area designations for the  
2 2012 NAAQS for fine particulate have any effect on  
3 the 1987 or 1997 NAAQS?

4 MS. GODIKSEN: Yes.

5 HEARING OFFICER McCAMBRIDGE: Those  
6 were the questions. As far as I know, to inform  
7 the Board, there are no revocation clauses in the  
8 ozone NAAQS. So they can remain effective,  
9 notwithstanding updated NAAQS at issue, until  
10 USEPA expressly removes them from the rules, or I  
11 think once with ozone the revocation occurred  
12 through the implementation rule. The question was  
13 basically to clarify that understanding.

14 Does the Agency wish to offer  
15 anything to clarify or does that -- first off, the  
16 question is -- the first question is, does that  
17 clarify the question?

18 MS. GODIKSEN: Rory, do you -- does  
19 that clarify anything for you? Rory, can you hear  
20 me?

21 THE COURT REPORTER: Who was  
22 speaking?

23 MR. DAVIS: Rory Davis.

24 MS. GODIKSEN: Oh, Annet Godiksen

1 with the Agency.

2 THE COURT REPORTER: Thank you.

3 MS. GODIKSEN: Rory, did that  
4 clarify the question?

5 MR. DAVIS: This is Rory Davis with  
6 the Illinois EPA. I believe it does. If -- if  
7 the question is -- well, I guess not. So is the  
8 question about newly desig- -- new designations  
9 having impact on old NAAQS if they have not been  
10 revoked?

11 HEARING OFFICER McCAMBRIDGE: Right.  
12 Many of the other NAAQS are structured so that  
13 they are revoked by operational law when some --  
14 something else occurs, like USEPA designating an  
15 area or, you know, I can't remember. There was  
16 another thing that caused it.

17 But I don't see that in the  
18 ozone NAAQS. So that the ozone NAAQS, older ozone  
19 NAAQS, remain effective until such time as USEPA  
20 takes some express action to revoke them, and I  
21 have seen that occur -- I think I saw it occur  
22 once through the implementation rule.

23 Am I correct in what I am  
24 saying?



1 MR. DAVIS: I believe you are, but I  
2 will have to -- we will have to check on -- you  
3 know, we can look at the record, too, the  
4 transcripts. I believe that's true. I don't want  
5 to commit right now to answering that, but --

6 HEARING OFFICER McCAMBRIDGE: Okay.

7 MR. DAVIS: I believe that's -- I  
8 believe you're correct. But let us double  
9 check --

10 HEARING OFFICER McCAMBRIDGE: Okay.

11 MR. DAVIS: -- in the instance of  
12 the ozone and the PM. So it's the same question  
13 in the second question also.

14 HEARING OFFICER McCAMBRIDGE: Well,  
15 the second question is a little more specific, the  
16 two specific -- the 1987 and 1997 NAAQS for fine  
17 particulates.

18 Do the area designations involve  
19 your -- affect those NAAQS? And I am trying to --  
20 right off the top, I know that it was sulfur  
21 dioxide and one other NAAQS that were in this  
22 rulemaking were partially revoked as to Illinois.  
23 I don't remember right off the top of my head  
24 right now what that other NAAQS was, but the basic

1 question was, does the area designation with the  
2 2012 NAAQS affect -- or for fine particulates  
3 affect the '87 or '97 NAAQS for fine particulates?

4 MR. DAVIS: I don't believe so, but  
5 we -- the Agency will double check, and now with  
6 the clarification of the question, we will --

7 HEARING OFFICER McCAMBRIDGE: As I  
8 mentioned, because the Agency participates  
9 directly with USEPA on state authorizations,  
10 sometimes it's desirable to seek clarification  
11 from the Agency, and this is one of those  
12 instances. And that was why those two questions  
13 were posited.

14 And does -- if that -- if that  
15 offers the clarity, we can continue from here and  
16 leave the subject. Does it?

17 MR. DAVIS: I believe so, yes.

18 HEARING OFFICER McCAMBRIDGE: Okay.  
19 Very good. Does anyone else have anything to ask  
20 or -- or to submit to the record?

21 (No response.)

22 HEARING OFFICER McCAMBRIDGE: Nobody  
23 in either of the Board's offices and nobody  
24 participating remotely?

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(No response.)

HEARING OFFICER McCAMBRIDGE: Okay.  
Hearing and seeing none, we will adjourn this --  
we will adjourn the hearing on the Consolidated  
R19-14 (R20-3, R20-11) NAAQS updates, and thank  
you all for your participation.

(END OF PROCEEDINGS.)

1 I, KARI WIEDENHAUPT, do hereby certify that  
2 the foregoing was reported by stenographic and  
3 mechanical means, which matter was held on the  
4 date, and at the time and place set out on the  
5 title page hereof and that the foregoing  
6 constitutes a true and accurate transcript of  
7 same.

8 I further certify that I am not related to  
9 any of the parties, nor am I an employee of or  
10 related to any of the attorneys representing the  
11 parties, and I have no financial interest in the  
12 outcome of this matter.

13 I have hereunder subscribed my hand on the  
14 \_\_\_\_ day of \_\_\_\_\_, 2020.

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KARI WIEDENHAUPT, CSR

<p style="text-align: center;"><b>A</b></p> <p><b>a.m</b> 1:16 3:19  <b>accurate</b> 20:6  <b>acknowledge</b> 7:9  <b>acknowledged</b> 8:7  <b>action</b> 9:17,18              10:1,11 11:6              16:20  <b>actions</b> 9:15 11:19  <b>add</b> 9:16 13:7,9  <b>adjourn</b> 19:3,4  <b>adoption</b> 12:23  <b>affect</b> 17:19 18:2              18:3  <b>Agency</b> 4:10 5:7              6:13 13:18              14:15,23 15:14              16:1 18:5,8,11  <b>agenda</b> 12:24  <b>ahead</b> 3:8  <b>air</b> 1:5 9:8,13 10:5              10:18 11:13  <b>allow</b> 12:5  <b>ambient</b> 1:5 9:8              10:5,17 11:13  <b>Andrew</b> 2:13 5:2  <b>Annet</b> 2:10 4:9              13:18 15:24  <b>annual</b> 9:22 10:12  <b>answer</b> 14:8  <b>answering</b> 17:5  <b>Anybody</b> 13:16  <b>appeared</b> 12:1  <b>appears</b> 12:1  <b>applies</b> 10:11  <b>apply</b> 11:7  <b>area</b> 10:8,21 11:6              14:14,23 15:1              16:15 17:18              18:1  <b>areas</b> 9:20  <b>asked</b> 13:21  <b>assigned</b> 3:24  <b>attainment</b> 9:21              10:8 11:4</p>	<p><b>attending</b> 5:14  <b>attorney</b> 5:1 7:5  <b>attorneys</b> 20:10  <b>August</b> 10:20 12:8              12:24 13:3  <b>authorizations</b>              18:9  <b>average</b> 9:22              10:12</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p><b>bandwidth</b> 14:20  <b>BARBARA</b> 2:3  <b>basic</b> 17:24  <b>basically</b> 12:13,17              15:13  <b>beginning</b> 14:9  <b>believe</b> 6:13 12:24              16:6 17:1,4,7,8              18:4,17  <b>Bilbruck</b> 2:11              4:11,11,16  <b>Black</b> 2:19 6:19              6:20  <b>blocked</b> 14:9  <b>Board</b> 1:2,13 2:4              3:3,23 4:12 5:1              5:14,15,17,21,23              6:2,10,16,22 7:1              7:5 9:7,17,17              10:1,5,18 11:8              11:13 12:10              14:14 15:7  <b>Board's</b> 6:7,19              11:20,24 12:23              14:22 18:23  <b>box</b> 7:2,3,19,22  <b>boxes</b> 7:24 8:7  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