

# **Responsiveness Summary**

## **Illinois Environmental Protection Agency Rulemaking Amendments to Alternate Fuels Program Rules (35 Ill. Adm. Code 275)**

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**DRAFT April 12, 2012**

## **PRE-HEARING PUBLIC OUTREACH**

On October 27, 2011, the Illinois EPA conducted an outreach meeting with two potential grant applicants and car sharing organizations, I-GO and Zipcar, regarding the draft proposed amendments. On February 3, 2012, the public hearing notice was published in the *Illinois Register* (36 Ill. Reg. 1807). Also, the public hearing notice was posted electronically on the Illinois EPA website, <http://www.epa.state.il.us/public-notices/general-notices.html#alternative-fuels-amendments>.

## **MARCH 7, 2012 PUBLIC HEARING**

Illinois EPA Hearing Officer Dean Studer opened the hearing at 1:30 p.m. on March 7, 2012, at the Illinois EPA Headquarters in Springfield, Illinois.

Illinois EPA Clean Air Programs Manager, Darwin Burkhart explained the proposed amendments.

Illinois EPA Attorney, Kent Mohr explained a first notice change to the proposed amendments.

Questions were received from the audience. Ms. Angela Tin with the American Lung Association of Illinois was in attendance. There were no other members of the public in attendance.

Hearing Officer Dean Studer closed the hearing at 2:04 p.m. on March 7, 2012.

Illinois EPA personnel were available before, during, and after the hearing to meet with the public.

A court reporter prepared a transcript of the public hearing which was posted on the Illinois EPA website.

## **MARCH 8, 2012 PUBLIC HEARING**

Illinois EPA Hearing Officer Dean Studer opened the hearing at 1:30 p.m. on March 8, 2012, at the Illinois EPA's office in Elk Grove Village, Illinois.

There were no members of the public in attendance at the hearing.

Hearing Officer Dean Studer closed the hearing at approximately 2:00 p.m. on March 8, 2012.

Illinois EPA personnel were available before, during, and after the hearing to meet with the public.

A court reporter prepared a transcript of the public hearing which was posted on the Illinois EPA website.

## **BACKGROUND OF PROPOSED AMENDMENTS**

The Illinois EPA, Bureau of Air, Division of Mobile Source Programs, Clean Air Programs, prepared a draft of proposed amendments to the Alternate Fuels Program at 35 Ill. Adm. Code 275 to reflect amendments to Sections 10 and 30 of the Alternate Fuels Act (Act) (415 ILCS 120) signed into law on July 11, 2011, as Public Act (P.A.) 97-0090. Amendments to Section 30 of the Act establish an electric vehicle car sharing grant program. These amendments provide that, through fiscal year 2013, the Illinois EPA may award grants to car sharing organizations for the purchase of new electric vehicles from an Illinois car dealership to the extent that funds remain available from the alternate fuel vehicle rebate fund. Also, amendments to Section 30 provide grant award criteria, eligibility requirements, application requirements, funding limitations, and reporting requirements. Amendments to Section 10 of the Act establish definitions relating to the electric vehicle car sharing grant program.

The Illinois EPA's proposed amendments establish procedures for the issuance of electric vehicle car sharing grants. Specifically, the proposed amendments establish the availability and limitations of grants, grant application requirements, and criteria and procedures relating to the Illinois EPA's award of grants and grant funding amounts. In addition, the proposed amendments establish requirements relating to grant agreements, access to grant projects, audits, maintenance of records, reporting, and reimbursement. Also, the proposed amendments establish procedures for addressing noncompliance with grant requirements. The proposed amendments make other minor revisions to the Alternate Fuels Program.

## **Responses to Comments, Questions, and Concerns**

Comments, questions, and concerns in regular print  
**Agency responses in bold**

1. The first set of questions received during the hearing on March 7, 2012, related to electric vehicle eligibility as follows. "Where do the hybrids fit in if it's a hybrid electric vehicle?" "Could they also seek reimbursement for that?" "But the different types of electric vehicles would be eligible, right?"

**Thank you for your questions. At hearing, the Illinois EPA explained that, in order to be eligible, the vehicle would have to meet the definition of "electric vehicle" as specified by the Act and proposed amendments, and traditional hybrids do not meet this definition. The Illinois EPA believes that these questions have been sufficiently addressed by the proposed amendments.**

2. Another question received during the hearing on March 7, 2012, was as follows: “Can you define what competitive means?”

**Thank you for your question. At hearing, the Illinois EPA explained that competitive means that if there is not enough funding to provide grants to all eligible applicants, the Illinois EPA may award a grant to the applicant who more closely matches the considerations relating to environmental benefit as specified by the proposed amendments. The Illinois EPA believes that this question has been sufficiently addressed by the proposed amendments.**

3. The final question received during the hearing on March 7, 2012, was as follows: “Can, you know, car sharing organizations that are not in the nonattainment area still apply?”

**Thank you for your question. At hearing, the Illinois EPA explained that a car sharing organization that is not in the nonattainment area can apply for a grant. This is only one of the considerations relating to environmental benefit specified by the proposed amendments that the Agency will consider in awarding a grant. The Illinois EPA believes that this question has been sufficiently addressed by the proposed amendments.**

4. The American Lung Association of Illinois submitted a written comment during the 1<sup>st</sup> Notice period that provided its support for the proposed amendments.

**Thank you for your comment.**

## **FIRST NOTICE CHANGES**

At the Springfield hearing, Illinois EPA Attorney, Kent Mohr explained the following first notice changes to the proposed amendments:

1. In Section 275.350(d)(2), lines 404-405, change “If the grant is completely or partially terminated, 5 years after any resulting final termination settlement” to “If the grant is completely or partially terminated, the records relating to the terminated work shall be preserved and made available for 5 years after any resulting final termination settlement”

The language proposed by this first notice change is the exact language that was filed by the Agency in its proposed amendments. However, this language was changed by the Joint Committee on Administrative Rules prior to the proposed amendments being published in the Illinois Register. As explained at hearing, this change is necessary to clarify that if a grant is completely or partially terminated, the records relating to the terminated work shall be preserved and made available for 5 years after any resulting final termination settlement. In the case of a partially terminated grant, records relating to non-terminated work would be preserved and made available in accordance with

subsection (d)(1), which is 5 years after submission of the final report. These two time-periods could be different and, as such, should be clarified.

## **CONCLUSION AND PROPOSED ACTION**

The Illinois EPA has made a determination to proceed to Second Notice with these proposed amendments, including First Notice Changes, to the Alternate Fuels Program at 35 Ill. Adm. Code 275. After Second Notice has expired, the Illinois EPA will proceed to adopt this proposal.

## **ACRONYMS AND INITIALS**

Act	Alternate Fuels Act
ILCS	Illinois Compiled Statutes
Ill. Adm. Code	Illinois Administrative Code
Illinois EPA	Illinois Environmental Protection Agency
Ill. Reg.	Illinois Register
P.A.	Public Act

## **DISTRIBUTION OF RESPONSIVENESS SUMMARY**

An announcement that the responsiveness summary is available on the Agency website was mailed to all who registered at the hearing and to all who sent in written comments. Printed copies of this responsiveness summary are available from Darwin Burkhart, Illinois EPA, 217-557-1441, e-mail: <Darwin.burkhart@illinois.gov>.

## **WHO CAN ANSWER YOUR QUESTIONS**

### **Illinois EPA Alternate Fuels Program:**

Alternate Fuels Program questions.....	Darwin Burkhart .....	217-557-1441
Legal questions .....	Kent Mohr .....	217-782-5544
Public hearing of March 7, 2012.....	Dean Studer.....	217-558-8280
Public hearing of March 8, 2012.....	Dean Studer.....	217-558-8280

The notice of public hearing, hearing transcripts, notice of proposed amendments, proposed amendments, and responsiveness summary are available on the Illinois EPA website:

<http://www.epa.state.il.us/public-notices/general-notices.html#alternative-fuels-amendments>