



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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RENEE CIPRIANO, DIRECTOR

August 20, 2002

The Honorable Richard J. Durbin
United States Senator
332 Dirksen Senate Office Building
Washington, D.C. 20510

Re: The National Aviation Capacity Expansion
Act of 2002, S. 2039

Dear Senator Durbin:

Thank you for your inquiry into how the State of Illinois would implement the provisions in Section 5 of the National Aviation Capacity Act of 2002. Specifically, Section 5 addresses accommodation of emissions that are associated with Chicago area commercial service airports, including O'Hare and the proposed South Suburban Airport, in the state's implementation plan (SIP) under the Federal Clean Air Act.

As you are aware, the language contained within Section 5 concerning airport related emissions are the product of negotiations with the Sierra Club, who represented a number of environmental groups, including: Earthjustice Legal Defense Fund; Environmental Defense; Friends of the Earth; National Resources Defense Council; Illinois Public Interest Research Group; and U.S. Public Interest Research Group. The language contained within Section 5 resulting from those negotiations generally allows the State to continue using its customary practices in accounting for and regulating emissions associated with O'Hare and other Chicago area commercial service airports. The only restriction placed on the State's conduct is that it may not deviate from its customary practices for the purpose of interfering with construction of the O'Hare runway redesign plan or the South Suburban Airport. This restriction is intended as a check to prevent any possible future bad faith manipulation of the state's SIP to defeat construction of airports or airport improvement projects. In addition, Section 5 imposes upon Chicago area airport operators an obligation to utilize best management practices to mitigate emissions, an obligation that does not exist under current law. Based on the negotiated changes reflected in Section 5, all of the environmental groups dropped their opposition to the bill.

GEORGE H. RYAN, GOVERNOR

I wish to describe in more detail how the State of Illinois contemplates accounting for and regulating emissions associated with the O'Hare runway redesign plan in accordance with the provisions of Section 5. Firstly, the City of Chicago has projected that the O'Hare runway redesign plan will increase airport operations from the approximate level of 950,000 in 1999 to 1.6 million after completion of the plan. The State of Illinois has used the 1.6 million operations projection for purposes of projecting future emissions.

Based upon the operations projection, the Illinois Environmental Protection Agency (Illinois EPA) has determined that the O'Hare runway redesign plan can be accommodated within Illinois' SIP. The Illinois EPA has prepared a 2002 emissions inventory of all emitting sources within the Chicagoland area that includes projected ozone precursor emissions - volatile organic material (VOM) and nitrogen oxides (NOx) - including projected growth in the area. Emissions from takeoffs/landings and taxiing/idling (i.e., aircraft operations), from associated ground support service, and from aircraft refueling and small cleaning operations, as well as emissions from each airport's physical plant, are included in the inventory. It should be noted that emissions from O'Hare represent less than 1% of all man-made VOC emissions in the Chicagoland area.

Also noteworthy is the fact that emissions estimates for the O'Hare runway redesign plan were based on a worst-case scenario - a linear increase in 1999 emissions from increased aircraft operations, associated ground support service activity, aircraft refueling and cleaning operations, and from the O'Hare physical plant - were assumed. Likely decreases in emissions associated with the project - less aircraft idling emissions, cleaner, lower emitting ground service equipment, decreased traffic congestion associated with a western access to O'Hare and facilitating the use of cleaner, larger jet aircraft at O'Hare - were not accounted for in the emissions estimate for the O'Hare runway redesign plan.

Secondly, Illinois EPA has also prepared a projected estimated emissions inventory for calendar year 2012, including growth and the expected impact of any pending emissions control measures. This inventory shows that projected emissions of VOM and NOx in 2012 are significantly lower than 1999 levels. This provides further support that the O'Hare runway redesign plan is easily accommodated within Illinois' SIP.

Please be assured that Illinois EPA has reviewed, in detail, the draft legislative proposals addressing the O'Hare runway redesign plan and has offered full comment to ensure that the State of Illinois is not compromising environmental protection. Further, Illinois EPA fully agrees with the provision that would allow the Administrator of USEPA to determine whether a SIP revision's purpose was to directly or indirectly interfere with or prevent the construction of the O'Hare runway redesign, because that determination is limited to a consideration of bad faith actions not revisions for the purpose of meeting Illinois' air quality mandates.

I hope this letter has been helpful to you. As always, please do not hesitate to contact me should you have further questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Renee Ciprianov", with a long horizontal flourish extending to the right.

Renee Ciprianov
Director

cc: Kirk Brown, Secretary
Illinois Department of Transportation