

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
 )  
REASONABLY AVAILABLE CONTROL ) R11-23  
TECHNOLOGY (RACT) FOR VOLATILE ) (Rulemaking-Air)  
ORGANIC MATERIAL EMISSIONS FROM )  
GROUP II AND GROUP IV CONSUMER & )  
COMMERCIAL PRODUCTS: PROPOSED )  
AMENDMENTS TO 35 ILL. ADM. CODE 211, )  
218, and 219 )



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*Control Techniques Guidelines for Offset Lithographic Printing and Letterpress Printing*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.

*Control Techniques Guidelines for Flexible Package Printing*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.

*Control Techniques Guidelines: Industrial Cleaning Solvents*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.

*Control Techniques Guidelines for Flat Wood Paneling Coatings*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.

*Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2008.

*Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2008.

*Control Techniques Guidelines for Miscellaneous Industrial Adhesives*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2008.

*Control Techniques Guidelines for Fiberglass Boat Manufacturing Materials*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2008.

Illinois Environmental Protection Act (415 ILCS 5/et seq.)

Clean Air Act (42 U.S.C. 7401 et seq.)

Incorporations by reference:

*Technical Support Document for Controlling VOM Emissions from Lithographic Printing, Letterpress Printing, Flexible Package Printing, Flat Wood Paneling Coating, and Industrial Cleaning Operations*, Illinois Environmental Protection Agency, April 2009

*Technical Support Document for Control of Volatile Organic Material Emissions in Non-Attainment Areas from Miscellaneous Metal and Plastic Parts Coatings; Automobile and Light-Duty Truck Assembly Coatings; Miscellaneous Industrial Adhesives; and Fiberglass Boat Manufacturing Materials*, AQPSTR 10-01, Illinois Environmental Protection Agency, January 2010

13. Certificate of Service
14. First Notice Forms
15. Disk in Microsoft WORD containing Agency's Proposed Amendments to Parts 211,

218, and 219, and First Notice Forms

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(Rulemaking-Air)

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STATE OF ILLINOIS  
Pollution Control Board

NOTICE

To: John Therriault, Assistant Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601-3218

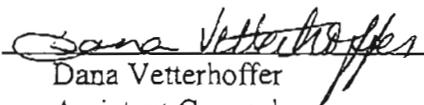
Matthew Dunn, Chief  
Division of Environmental Enforcement  
Office of the Attorney General  
100 West Randolph St., Suite 1200  
Chicago, IL 60601

Virginia Yang  
Deputy Legal Counsel  
Illinois Department of Natural Resources  
One Natural Resources Way  
Springfield, IL 62702

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the REGULATORY PROPOSAL entitled "REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) FOR VOLATILE ORGANIC MATERIAL EMISSIONS FROM GROUP II AND GROUP IV CONSUMER & COMMERCIAL PRODUCTS: PROPOSED AMENDMENTS TO 35 ILL. ADM. CODE 211, 218, and 219," MOTION FOR WAIVER OF COPY REQUIREMENTS, and APPEARANCE of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Dana Vetterhoffer  
Assistant Counsel  
Division of Legal Counsel

DATED: March 4, 2011

1021 N. Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 782-5544

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

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APPEARANCE

The undersigned hereby enters her appearance as an attorney on behalf of the Illinois Environmental Protection Agency.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: Dana Vetterhoffer  
Dana Vetterhoffer  
Assistant Counsel  
Division of Legal Counsel

DATED: March 4, 2011

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY PROPOSAL OF  
REGULATIONS

The Illinois Environmental Protection Agency moves that the Illinois Pollution Control Board adopt the attached regulations.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: Douglas P. Scott  
Douglas P. Scott  
Director

DATED: March 4, 2011

1021 N. Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 782-5544

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CERTIFICATION OF REQUIRED RULE

The Illinois Environmental Protection Agency ("Illinois EPA") certifies in accordance with 35 Ill. Adm. Code 102.202(h) and 102.500, and 415 ILCS 5/28.2(b), that it believes that this proposal for amendments to 35 Ill. Adm. Code 211, 218, and 219 is a federally required rule under Sections 172(c)(1) and 182(b)(2) of the Clean Air Act ("CAA"). 42 U.S.C. §§ 7502(c)(1) and 7511a(b)(2).

The proposal for amendments is needed to satisfy Illinois' obligation to submit a State Implementation Plan ("SIP") for sources of volatile organic materials ("VOM") emissions in areas designated as nonattainment with respect to the ozone National Ambient Air Quality Standard. Section 172(c)(1) of the CAA provides that states must include in their SIPs for nonattainment areas "reasonably available control measures," including "reasonably available control technology" ("RACT"), for sources of emissions. 42 U.S.C. § 7502(c)(1). Section 182(b)(2) of the CAA provides that, for ozone nonattainment areas, the State must revise its SIP to include RACT for sources of VOM emissions covered by a control techniques guideline ("CTG") issued between November 15, 1990, and the date of attainment. 42 U.S.C. § 7511a(b)(2).

The United States Environmental Protection Agency (USEPA) issued CTGs for Group II Consumer and Commercial Products on October 5, 2006, and for Group IV on October 7, 2008. The Illinois EPA proposed amendments to 35 Ill. Adm. Code Parts 211, 218, and 219 in rulemakings R10-8 and R10-20 in response to the Group II and IV CTGs, respectively. Such amendments were subsequently adopted by the Board.

On July 29, 2010, the Illinois EPA submitted the amendments to the USEPA as SIP revisions. The U.S. EPA refused to approve such revisions without additional amendments, which the Illinois EPA now proposes in the current rulemaking. Without USEPA's approval, the CAA requirements described above remain unsatisfied.

These amendments are intended to correct the "deficiencies" in the Group II and Group IV RACT regulations and thereby satisfy federal requirements.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Dana Vetterhoffer  
Assistant Counsel  
Division of Legal Counsel

DATED: March 4, 2011

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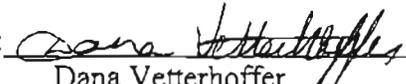
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CERTIFICATION OF ORIGINATION

The Illinois Environmental Protection Agency certifies in accordance with 35 Ill. Adm. Code 102.202(i) that this proposal for amendments to 35 Ill. Adm. Code 211, 218, and 219 amends the most recent version of the rules as published on the Illinois Pollution Control Board's website.<sup>1</sup>

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Dana Vetterhoffer  
Assistant Counsel  
Division of Legal Counsel

DATED: March 4, 2011

1021 N. Grand Ave. East  
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<sup>1</sup> The equations in Section 218/219.901(c)(1) and (2) of the Agency's proposal are in a different format than those that appear on the Board's website, as the versions on the Board's website do not allow for strikethroughs.

**Agency Analysis of Economic and  
Budgetary Effects of Proposed Rulemaking**

Agency: Illinois Pollution Control Board

Part/Title: Definitions and General Provisions (35 Ill. Adm. Code Part 211)

Illinois Register Citation: \_\_\_\_\_

Please attempt to provide as dollar-specific responses as possible and feel free to add any relevant explanation.

1. Anticipated effect on State expenditures and revenues.

(a) Current cost to the agency for this program/activity. \$ 0 per year  
(approximately)

(b) If this rulemaking will result in an increase or decrease in cost, specify the fiscal year in which this change will first occur and the dollar amount of the effect.

N/A

(c) Indicate the funding source, including Fund and appropriation lines, for this program/activity. N/A

(d) If an increase or decrease in the costs of another State agency is anticipated, specify the fiscal year in which this change will first occur and the estimated dollar amount of the effect. N/A

(e) Will this rulemaking have any effect on State revenues or expenditures not already indicated above? No

2. Economic effect on persons affected by the rulemaking:

(a) Indicate the economic effect and specify the persons affected:

Positive \_\_\_ Negative \_\_\_ No effect X

Persons affected: See list of potentially affected sources in TSDs (incorporated by reference).

Dollar amount per person: 0

Total statewide cost: 0

(b) If an economic effect is predicted, please briefly describe how the effect will occur. N/A

- (c) Will the rulemaking have an indirect effect that may result in increased administrative costs? No Will there be any change in requirements such as filing, documentation, reporting or completion of forms? No

**The proposed changes to Part 211 should have no indirect effect that may result in increased administrative costs.**

**Agency Analysis of Economic and  
Budgetary Effects of Proposed Rulemaking**

Agency: Illinois Pollution Control Board

Part/Title: Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code Part 218)

Illinois Register Citation: \_\_\_\_\_

Please attempt to provide as dollar-specific responses as possible and feel free to add any relevant explanation.

1. Anticipated effect on State expenditures and revenues.
  - (a) Current cost to the agency for this program/activity. ~\$50,300 per year
  - (b) If this rulemaking will result in an increase or decrease in cost, specify the fiscal year in which this change will first occur and the dollar amount of the effect.  
N/A
  - (c) Indicate the funding source, including Fund and appropriation lines, for this program/activity. N/A
  - (d) If an increase or decrease in the costs of another State agency is anticipated, specify the fiscal year in which this change will first occur and the estimated dollar amount of the effect. N/A
  - (e) Will this rulemaking have any effect on State revenues or expenditures not already indicated above? No
  
2. Economic effect on persons affected by the rulemaking:
  - (a) Indicate the economic effect and specify the persons affected:  
Positive \_\_\_ Negative \_\_\_ No effect X  
Persons affected: See list of potentially affected sources in TSDs (incorporated by reference).  
Dollar amount per person: 0  
Total statewide cost: 0
  - (b) If an economic effect is predicted, please briefly describe how the effect will occur. N/A

- (c) Will the rulemaking have an indirect effect that may result in increased administrative costs? Will there be any change in requirements such as filing, documentation, reporting or completion of forms?

**The rulemaking will require a small amount of additional reporting but should have no more than a negligible indirect effect that may result in increased administrative costs.**

**Agency Analysis of Economic and  
Budgetary Effects of Proposed Rulemaking**

Agency: Illinois Pollution Control Board

Part/Title: Organic Material Emission Standards and Limitations for the Metro East Area  
(35 Ill. Adm. Code Part 219)

Illinois Register Citation: \_\_\_\_\_

Please attempt to provide as dollar-specific responses as possible and feel free to add any relevant explanation.

1. Anticipated effect on State expenditures and revenues.
  - (a) Current cost to the agency for this program/activity. ~\$5,500 per year
  - (b) If this rulemaking will result in an increase or decrease in cost, specify the fiscal year in which this change will first occur and the dollar amount of the effect.  
N/A
  - (c) Indicate the funding source, including Fund and appropriation lines, for this program/activity. N/A
  - (d) If an increase or decrease in the costs of another State agency is anticipated, specify the fiscal year in which this change will first occur and the estimated dollar amount of the effect. N/A
  - (e) Will this rulemaking have any effect on State revenues or expenditures not already indicated above? No
  
2. Economic effect on persons affected by the rulemaking:
  - (a) Indicate the economic effect and specify the persons affected:  
  
Positive     Negative     No effect   X    
  
Persons affected: See list of potentially affected sources in TSDs (incorporated by reference).  
  
Dollar amount per person:   0    
  
Total statewide cost:    0
  - (b) If an economic effect is predicted, please briefly describe how the effect will occur. N/A

- (c) Will the rulemaking have an indirect effect that may result in increased administrative costs? Will there be any change in requirements such as filing, documentation, reporting or completion of forms?

**The rulemaking will require a small amount of additional reporting but should have no more than a negligible indirect effect that may result in increased administrative costs.**

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MOTION FOR WAIVER OF COPY REQUIREMENTS

The Proponent, the Illinois Environmental Protection Agency ("Illinois EPA"), by its attorney, and pursuant to 35 Ill. Adm. Code 101.500, 102.110, 102.200, and 102.402, respectfully moves that the Illinois Pollution Control Board ("Board") waive the requirement that the Illinois EPA submit the original and nine copies of the regulatory proposal including all documents relied upon, and waive the requirement that the Illinois EPA provide copies of certain documents relied upon. In support of its Motion, Illinois EPA states as follows:

1. Section 102.200 of the Board's procedural rules requires that the original and nine copies of each regulatory proposal be filed with the Clerk. 35 Ill. Adm. Code Section 102.200. Section 27(a) of the Environmental Protection Act also requires that the Illinois EPA provide information supporting a regulatory proposal. 415 ILCS 5/27(a).

2. The Illinois EPA relied upon several documents when drafting the regulatory proposal, and incorporated by reference certain documents as well. The documents relied upon/incorporated by reference are as follows:

- a. *Control Techniques Guidelines for Offset Lithographic Printing and Letterpress Printing*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.

- b. *Control Techniques Guidelines for Flexible Package Printing*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.
- c. *Control Techniques Guidelines: Industrial Cleaning Solvents*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.
- d. *Control Techniques Guidelines for Flat Wood Paneling Coatings*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.
- e. *Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2008.
- f. *Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2008.
- g. *Control Techniques Guidelines for Miscellaneous Industrial Adhesives*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2008.
- h. *Control Techniques Guidelines for Fiberglass Boat Manufacturing Materials*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2008.
- i. Illinois Environmental Protection Act (415 ILCS 5/et seq.).
- j. Clean Air Act (42 U.S.C. 7401 et seq.).
- k. Incorporations by reference:
  1. *Technical Support Document for Controlling VOM Emissions from Lithographic Printing, Letterpress Printing, Flexible Package Printing, Flat Wood Paneling Coating, and Industrial Cleaning Operations*, Illinois Environmental Protection Agency, June 2009.
  2. *Technical Support Document for Control of Volatile Organic Material Emissions in Non-Attainment Areas from Miscellaneous Metal and Plastic Parts Coatings; Automobile and Light-Duty Truck Assembly Coatings; Miscellaneous Industrial Adhesives; and Fiberglass Boat Manufacturing Materials*, AQPSTR 10-01, Illinois Environmental Protection Agency, January 2010.

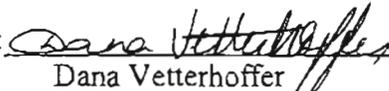
3. Several of the documents described above--the Illinois Environmental Protection Act, Clean Air Act, and Control Techniques Guidelines--are readily accessible to or are within the possession of the Board. The Control Techniques Guidelines, which total over 600 pages, were previously submitted to the Board as part of the Agency's regulatory proposal in rulemakings R10-8 and R10-20. Given the length and ease of accessibility of these documents, the Illinois EPA moves that the Board waive the requirement that the Illinois EPA provide copies of such documents.

4. The remainder of the regulatory proposal consists of over 400 pages. Given the length of the proposal and the resources required to provide nine copies, Illinois EPA requests that the Board waive the normal copy requirements and allow Illinois EPA to file the original and four complete copies of the documents.

WHEREFORE, the Illinois EPA moves that the Board waive the requirement that the Illinois EPA provide copies of the documents listed above as items (a) through (j), and waive the requirement that the Illinois EPA provide an original and nine copies of the remaining documents in its regulatory proposal, allowing the Illinois EPA to provide the original and four copies.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Dana Vetterhoffer  
Assistant Counsel  
Division of Legal Counsel

DATED: March 4, 2011  
1021 N. Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 782-5544

***THIS IS A  
FAST TRACK  
RULEMAKING***

**FILED IN ACCORDANCE WITH  
SECTION 28.5 OF THE ENVIRONMENTAL  
PROTECTION ACT (415 ILCS 5/28.5)**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATEMENT OF REASONS

I. INTRODUCTION

The Illinois Environmental Protection Agency ("Illinois EPA") submits this Statement of Reasons to the Illinois Pollution Control Board ("Board") pursuant to Sections 10, 27, 28, and 28.5 of the Environmental Protection Act ("Act") (415 ILCS 5/10, 27, 28, and 28.5) and 35 Ill. Adm. Code 102.202 in support of the attached proposal of regulations. This rulemaking is proposed to amend recently promulgated regulations that control emissions of Volatile Organic Material ("VOM"), which is effectively the same as volatile organic compounds ("VOC"), from the following Group II and Group IV Consumer and Commercial Product Categories, in response to comments received from the United States Environmental Protection Agency ("USEPA"): Industrial Cleaning Solvents, Flat Wood Paneling Coatings, Flexible Packaging Printing Materials, Lithographic Printing Materials, and Letterpress Printing Materials; Miscellaneous Metal and Plastic Parts Coatings, Auto and Light-Duty Truck Coatings, Miscellaneous Industrial Adhesives, and Fiberglass Boat Manufacturing Materials.

This proposed rulemaking is intended to meet certain obligations of the State of Illinois under the federal Clean Air Act ("CAA"), 42 U.S.C. § 7401 *et seq.* Specifically.

the rulemaking is intended to satisfy Illinois' obligation to submit a State Implementation Plan ("SIP") to address requirements under Sections 172 and 182 of the CAA for sources of VOM emissions in areas designated as nonattainment with respect to the ozone National Ambient Air Quality Standard ("NAAQS"). See 42 U.S.C. §§ 7502 and 7511a. Section 172(c)(1) of the CAA provides that states must include in their SIPs for nonattainment areas ("NAAs") "reasonably available control measures" ("RACM"), including "reasonably available control technology" ("RACT"), for sources of emissions. 42 U.S.C. § 7502(c)(1). Section 182(b)(2) of the CAA provides that, for ozone NAAs, the State must revise its SIP to include RACT for sources of VOM emissions covered by a control techniques guideline ("CTG") issued between November 15, 1990, and the date of attainment. 42 U.S.C. § 7511a(b)(2).

Illinois is proposing amendments to regulations that establish VOM controls for Group II and Group IV Consumer and Commercial Products. The majority of these amendments is mandated by the USEPA, and is necessary in order to obtain USEPA's approval of Illinois' SIP submittal. Included in this proposal are amendments to 35 Ill. Adm. Code Part 218, Organic Material Emission Standards and Limitations for the Chicago Area; 35 Ill. Adm. Code Part 219, Organic Material Emission Standards and Limitations for the Metro East Area; and 35 Ill. Adm. Code Part 211, Definitions and General Provisions.

## **II. STATEMENT OF FACTS**

### **A. RACT Requirements**

USEPA designated the Chicago and Metro East areas in Illinois as nonattainment (moderate) for the 8-hour ozone NAAQS, which triggered requirements under the CAA

for adopting regulations that reduce emissions sufficiently to demonstrate attainment of the standard. Section 172(c)(1) of the CAA provides, in pertinent part:

(c) Nonattainment plan provisions

The plan provisions (including plan items) required to be submitted under this part shall comply with each of the following:

(1) In general

Such plan provisions shall provide for the implementation of all reasonably available control measures as expeditiously as practicable (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology) and shall provide for attainment of the national primary ambient air quality standards.

42 U.S.C. § 7502(c)(1). A subset of RACM is RACT, which is defined as the lowest emission limitation that a particular source can meet by applying a control technique that is reasonably available considering technological and economic feasibility. *See 44 Fed. Reg. 53762* (September 17, 1979).

Additionally, Section 182(b) of the CAA provides, in pertinent part:

(b) Moderate Areas

Each State in which all or part of a Moderate Area is located shall, with respect to the Moderate Area, make the submissions described under subsection (a) of this section (relating to Marginal Areas), and shall also submit the revisions to the applicable implementation plan described under this subsection.

.....

(2) Reasonably available control technology

The State shall submit a revision to the applicable implementation plan to include provisions to require the implementation of reasonably available control technology under section 7502(c)(1) of this title with respect to each of the following:

- (A) Each category of VOC sources in the area covered by a CTG document issued by the Administrator between November 15, 1990, and the date of attainment.

42 U.S.C. § 7511a(b)(2).

Sections 172 and 182 of the CAA establish the requirement for Illinois to submit VOM regulations constituting RACT for Group II and Group IV Consumer and Commercial Product Categories in ozone NAAs classified as moderate and above.

**B. R10-8 and R10-20**

On October 5, 2006, the USEPA issued final CTGs for Group II Consumer and Commercial Products. On October 7, 2008, the USEPA issued final CTGs for Group IV Consumer and Commercial Products. The USEPA required that states submit SIP revisions in response to the CTGs within one year. *71 Fed. Reg.* 58745-58753; *73 Fed. Reg.* 58484.

In rulemakings R10-8 and R10-20, the Illinois EPA proposed amendments to 35 Ill. Adm. Code Parts 211, 218, and 219 in response to the Group II and Group IV CTGs, respectively. Such amendments were subsequently adopted by the Board.

On July 29, 2010, the Illinois EPA submitted the adopted rules to the USEPA and requested that USEPA approve them as amendments to Illinois' SIP. Upon review, the USEPA informed the Illinois EPA that the revisions were insufficient and that USEPA would not approve them without additional amendments. Generally, USEPA identified the following issues with the rules: inadequate recordkeeping requirements for several product categories, insufficient VOM limitations, typographical errors, provisions requiring clarification, failure to include definitions for certain terms, and failure to implement certain recommendations set forth in the CTGs.

The Illinois EPA conferred with USEPA extensively in an effort to resolve these issues. Through such discussions, the USEPA agreed that several of its suggested revisions were not necessary. The USEPA, however, reaffirmed that the remaining changes were mandatory in order to obtain SIP approval and thereby satisfy the CAA requirements described above. The Illinois EPA's rulemaking proposal implements these amendments, proposes additional typographical corrections and clarifications, and amends certain provisions in response to comments received from industry representatives.

### **C. Fast Track**

This regulatory proposal is properly submitted to the Board under Section 28.5 of the Act as a fast-track rulemaking. Section 28.5 provides, "When the [CAA] requires rules other than identical in substance rules to be adopted, upon request by the Agency, the Board must adopt rules under fast-track rulemaking requirements." A rule is "required to be adopted" when the USEPA "is empowered to impose sanctions against the State for failure to adopt such rules." 415 ILCS 5/28.5.

This rulemaking proposal satisfies such criteria. First, the proposed rule is not identical in substance to any federal regulation. The CTGs at issue here are merely guidance documents a state may utilize when making VOM RACT determinations for Group II and IV product categories. Second, the proposed rule is required to be adopted. As previously discussed, Sections 172 and 182 of the CAA require that Illinois submit as a SIP revision VOM RACT regulations for Group II and Group IV categories in ozone NAAs. The adopted rules previously submitted to the USEPA have been deemed insufficient and unapprovable, meaning that the CAA requirements remain unsatisfied.

Pursuant to Section 179 of the CAA, two sanctions are available to USEPA if Illinois fails to submit an approvable SIP revision: 1) the loss of highway funds; and 2) an increase in the emissions offset ratio for New Source Review. 42 U.S.C. § 7509. Further, if Illinois fails to make an adequate SIP submission, USEPA has the authority to impose a Federal Implementation Plan pursuant to Section 110(c)(1) of the CAA. 42 U.S.C. § 7410(c)(1). Illinois EPA's submittal of its proposal as a fast-track rulemaking is therefore appropriate.

### **III. PURPOSE AND EFFECT OF THE PROPOSAL**

As described in detail above, this rulemaking proposal has been prepared to address deficiencies in Illinois' SIP submittal, as identified by the USEPA, in order to obtain approval of the submittal and thereby satisfy requirements under Sections 172 and 182 of the CAA. *See* 42 U.S.C. §§ 7502 and 7511a.

Additionally, Illinois is required to submit these SIP revisions before the USEPA can redesignate the Chicago and Metro East NAAs to attainment of the 1997 ozone NAAQS. Section 107(d)(3)(E) of the CAA provides that the Administrator may not redesignate a NAA to attainment unless the State has a fully-approved SIP for the area seeking redesignation and the State has met all applicable requirements of Section 110 and Part D (which includes the requirement that states adopt VOM RACT rules for categories covered by a CTG). 42 U.S.C. § 7407(d)(3)(E). In a September 17, 1993, guidance document from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation ("Shapiro Memorandum"), the USEPA confirmed, "[B]efore EPA can act favorably upon any State redesignation request, the statutorily-mandated control programs of section 110 and part D (that were due prior to the time of the redesignation

request) must have been adopted by the State and approved by EPA into the SIP.”  
(Shapiro Memorandum, p. 2).

On July 2, 2007, the Illinois EPA submitted to the USEPA an attainment demonstration for the Metro East NAA for the 1997 8-hour ozone NAAQS. On March 19, 2009, the Illinois EPA submitted an attainment demonstration for the Chicago NAA as well. Monitoring data indicates that these areas have, in fact, attained the 1997 8-hour ozone NAAQS, which qualifies them for redesignation to attainment. These areas cannot be redesignated to attainment, however, unless and until the Illinois EPA submits the additional USEPA-mandated amendments as SIP revisions and the USEPA approves such revisions.

#### **IV. GEOGRAPHIC REGIONS AND SOURCES AFFECTED**

The geographic regions subject to the proposed regulations are the two areas designated as nonattainment for the 8-hour ozone standard: 1) the Chicago-Gary-Lake County, IL-IN designated area, which includes Cook, DuPage, Grundy (partial-Goose Lake and Aux Sable Townships), Kane, Kendall (partial-Oswego Township), Lake, McHenry, and Will Counties; and 2) the St. Louis, MO-IL designated area, which includes Jersey, Madison, Monroe, and St. Clair Counties. 40 CFR § 81.314.

The proposed amendments are generally expected to affect both new and existing sources that are covered by a Group II or Group IV CTG, are located in the Chicago or Metro East NAAs, and meet the applicability criteria specified in the proposed regulations. The Technical Support Documents (“TSDs”) filed in the R10-8 and R10-20 rulemakings list the sources potentially affected by the proposed regulations. The Illinois EPA incorporates by reference the TSDs into the current rulemaking.

## **V. TECHNICAL FEASIBILITY AND ECONOMIC REASONABLENESS**

The technology for controlling VOM emissions from Group II and Group IV product categories is both technically feasible and economically reasonable. The Illinois EPA included a thorough discussion of the control techniques available to subject sources in the TSDs filed in the R10-8 and R10-20 rulemakings, incorporated by reference into this rulemaking.

## **VI. COMMUNICATION WITH INTERESTED PARTIES**

The Illinois EPA engaged in limited outreach on this proposal, as the majority of the proposed amendments are required by the USEPA, and extensive outreach was already conducted in the R10-8 and R10-20 rulemakings. In February, 2011, the Illinois EPA emailed a copy of the proposed rule to stakeholders that participated in such rulemakings. The Illinois EPA also incorporated certain revisions into its proposal in response to comments previously received from industry representatives.

## **VII. SYNOPSIS OF TESTIMONY**

The Illinois EPA plans to call Yoginder Mahajan, Environmental Protection Engineer, Air Quality Planning Section, Bureau of Air, Illinois EPA, and David Bloomberg, Compliance Unit Manager, Compliance Section, Bureau of Air, Illinois EPA, as witnesses at hearing. Mr. Mahajan and Mr. Bloomberg will testify and answer questions regarding the proposed amendments. Written testimony will be submitted prior to hearing in accordance with the Board's procedural rules and with Board orders.

## **VIII. THE ILLINOIS EPA'S PROPOSAL**

Generally, the Illinois EPA's proposal implements changes identified by the USEPA as necessary in order to obtain SIP approval. Other changes clarify existing

provisions, correct typographical errors, and amend certain provisions in response to stakeholder comments.

## **35 Ill. Adm. Code 211**

### **Subpart B: Definitions**

#### **Section 211.2358 Flat Wood Paneling**

The Illinois EPA proposes amending the definition of flat wood paneling by correcting a punctuation error.

#### **Section 211.2800 Hardwood Plywood**

The Illinois EPA proposes adding a definition for hardwood plywood, which is referenced in the definition for flat wood paneling.

#### **Section 211.3985 Natural Finish Hardwood Plywood Panel**

The Illinois EPA proposes adding a definition for natural finish hardwood plywood panel, which is referenced in the definition for flat wood paneling.

#### **Section 211.4460 Panel**

The Illinois EPA proposes adding a definition for panel, which is referenced in the definition for flat wood paneling.

#### **Section 211.5140 Printed Interior Panel**

The Illinois EPA proposes adding a definition for printed interior panel, which is referenced in the definition for flat wood paneling.

#### **Section 211.6587 Thin Particleboard**

The Illinois EPA proposes adding a definition for thin particleboard, which is referenced in the definition for flat wood paneling.

#### **Section 211.6635 Tileboard**

The Illinois EPA proposes adding a definition for tileboard, which is referenced in the definition for flat wood paneling.

### **35 Ill. Adm. Code 218/219**

#### **Subpart A: General Provisions**

##### **Section 218/219.105 Test Methods and Procedures**

The Illinois EPA proposes amending subsection (e) to add references to Section 218.207(m) and (n) and 219.207(l) and (m), which were mistakenly omitted from the Illinois EPA's prior rulemaking.

#### **Subpart E: Solvent Cleaning**

##### **Section 218/219.187 Other Industrial Solvent Cleaning Operations**

The Illinois EPA proposes amending subsection (a) by changing the compliance date to January 1, 2012, and the applicability threshold to a monthly standard. The Illinois EPA also proposes specifying that emissions from cleaning operations identified in subsection (a)(2) are not included in the calculation to determine applicability. Next, the Illinois EPA proposes adding two references to subsection (e) to specify that certain sources exempt from other requirements in this Section are also exempt from recordkeeping and reporting requirements. The Illinois EPA recommends deleting exemptions for screen reclamation activities, in response to a USEPA comment that the screen printing emission limitation is sufficiently high to accommodate screen reclamation activities, and aerospace coatings and shipbuilding and repair coatings, in response to a USEPA comment that the exemptions should not be included because Illinois has no rules for such coatings. Finally, the Illinois EPA proposes amending the

exemption for medical device and pharmaceutical manufacturing operations to be consistent with language used in other exclusions.

The Illinois EPA proposes amending subsection (b) to add USEPA-approved additional compliance alternatives, and amend the VOM limitation and add-on control device alternatives, for sources that manufacture coatings, inks, adhesives, or resins. As the proposal removes the exemption for screen reclamation activities, the Illinois EPA recommends specifying that the VOM limitation for screen printing includes such activities.

The Illinois EPA proposes amending subsection (d) by adding work practice requirements for sources that manufacture coatings, inks, adhesives, or resins.

The Illinois EPA proposes amending subsection (e) by changing the compliance date for recordkeeping/reporting requirements and changing the applicability threshold to a monthly standard. The Illinois EPA recommends adding monthly recordkeeping requirements for exempt sources, as well as references to the new compliance alternatives for sources that manufacture coatings, inks, adhesives, or resins. Finally, the Illinois EPA recommends adding recordkeeping requirements for sources complying pursuant to subsection (b)(5), and for sources with cleaning operations subject to one or more of the exclusions in subsection (a)(2)(C)(v) or (xiii) of this Section.

The Illinois EPA proposes amending subsection (g) to further clarify that in the event of any inconsistency between a Method 24 test for VOM content and the manufacturer's specifications, the Method 24 test shall govern.

### **Subpart F: Coating Operations**

#### **Section 218/219.204 Emission Limitations**

The Illinois EPA proposes amending subsection (a) by correcting the compliance date in Part 218, by adding a definition for “occurrence,” and by specifying that Section 218/219.205 does not apply to the final repair coat limitation.

The Illinois EPA proposes amending subsection (q)(1) by deleting the definition for “marine engine coating,” as the Illinois EPA is proposing to delete the category for such coatings, as explained below.

The Illinois EPA proposes amending subsection (q)(1)(A) of Part 218 by effectively changing the VOM limitation for clear coatings to the limit set forth in the CTG. The Board added the current clear coating limitation to the rule in response to comments by a stakeholder, Electro Motive. The USEPA has indicated, however, that the limit must conform to the recommendations in the CTG.

The Illinois EPA proposes amending subsection (q)(1)(H) of Part 218 to delete the previously-applicable VOM content limitation, which was inadvertently left in the rule.

The Illinois EPA proposes amending subsection (q)(1)(I) by changing the VOM content limitations for high performance architectural coatings. The existing limits reflect the recommendations contained in the CTG; however, the USEPA has indicated that such limits constitute backsliding, and that the proposed, stricter limits are therefore necessary.

The Illinois EPA proposes amending subsection (q)(1)(Z) by deleting the “steel pail and drum interior coating” category, as such coatings fall within other categories contained in the CTG.

The Illinois EPA proposes amending subsection (q)(1)(AA) by deleting the “marine engine coating” category, as the USEPA indicated that the extreme performance coatings category is sufficient to address such coatings.

The Illinois EPA proposes amending subsection (q)(3)(E) to delete certain specialty coating categories that were carried over from existing regulations, as they are encompassed by categories contained in the CTG. The USEPA determined that it had not been sufficiently demonstrated that such coatings could not meet the limitations set forth in the CTG.

The Illinois EPA proposes amending subsection (q)(3)(F) to correct a typographical error.

The Illinois EPA proposes amending subsection (q)(4)(A) to increase the VOM content limitation for primers to the limit recommended in the CTG. The USEPA approved the higher limit in light of the deletion of the specialty coatings categories in subsection (q)(4)(I).

The Illinois EPA proposes deleting subsection (q)(4)(I). The USEPA determined that it had not been sufficiently demonstrated that these specialty coatings could not meet the limitations set forth in the CTG.

#### **Section 218/219.207 Alternative Emission Limitations**

The Illinois EPA proposes amending subsection (b) to clarify that, for coating lines subject to an emission limitation in Section 218/219.204 that is already expressed in terms of weight of VOM per volume of solids, “S” is equal to such emission limitation.

#### **Section 218/219.211 Recordkeeping and Reporting**

The Illinois EPA proposes amending subsection (c) and (d) to clarify that certain recordkeeping requirements pertain to each coating applied each day on each coating line. The Illinois EPA proposes further amending subsection (c) to require additional recordkeeping for sources subject to the final repair coating limitation set forth in Section 218/219.204(a)(2)(E).

The Illinois EPA proposes amending subsection (f) by requiring that sources collect and record all information necessary to demonstrate compliance with the topcoat protocol referenced in Section 218/219.105(b).

The Illinois EPA proposes amending subsection (j) to specify that subject sources shall collect and record the coating category of each pleasure craft surface coating used in each subject coating operation.

#### **Section 218/219.217 Wood Furniture Coating Work Practice Standards**

The Illinois EPA proposes correcting a transcriptional error by amending the title of this Section in Part 218 to reference work practice requirements for flat wood paneling coatings as well.

The Illinois EPA proposes amending subsection (d) by adding an additional work practice requirement regarding conveying coatings, thinners, and cleaning materials, as recommended in the CTG. The Illinois EPA mistakenly omitted the requirement from its previous rulemaking proposal.

#### **Subpart H: Printing and Publishing**

#### **Section 218/219.401 Flexographic and Rotogravure Printing**

The Illinois EPA proposes amending certain terms in the equations in subsection (b)(3) to reference only units of weight.

**Section 218.402      Applicability**

The Illinois EPA proposes amending subsection (a) in Part 218 to specify that the 25 tons per year applicability threshold regards combined emissions from all flexographic and rotogravure printing lines at the source.

**Section 218/219.404   Recordkeeping and Reporting**

The Illinois EPA proposes amending subsection (b) by referencing the new compliance date. For Part 218, the Illinois EPA proposes amending subsection (b) by requiring that exempt sources include in their certifications calculations that demonstrate that the source does not exceed the 25 tons per year applicability threshold, and notify the Illinois EPA of any record showing that the source exceeded the 25 tons per year applicability threshold.

The Illinois EPA proposes amending subsection (d) by requiring that sources identify in their certifications the method used to calculate the weight of each coating or ink.

Finally, the Illinois EPA proposes amending subsection (f) to add more specific recordkeeping requirements for sources that are exempt pursuant to the 15 lb/day applicability threshold.

**Section 218/219.409   Testing for Lithographic Printing**

The Illinois EPA proposes amending subsection (a) by clarifying that testing must be conducted by the compliance date.

**Section 218/219.411   Recordkeeping and Reporting for Lithographic Printing**

The Illinois EPA proposes amending subsection (b) to add more specific recordkeeping requirements for sources that utilize the material use threshold alternative to demonstrate that they are exempt.

The Illinois EPA proposes amending subsection (g) by adding recordkeeping requirements for sources making use of the exclusions set forth in Section 218/219.405(c)(3).

**Section 218/219.415 Testing for Letterpress Printing Lines**

The Illinois EPA proposes amending subsection (a) to clarify that testing shall be performed by the compliance date.

**Section 218/219.417 Recordkeeping and Reporting for Letterpress Printing Lines**

The Illinois EPA proposes amending subsection (b) to add more specific recordkeeping requirements for sources that utilize the material use threshold alternative to demonstrate that they are exempt.

The Illinois EPA also proposes amending subsection (c) to further clarify which sources are subject to subsection (c).

**Subpart II: Fiberglass Boat Manufacturing Materials**

**Section 218/219.891 Emission Limitations and Control Requirements**

The Illinois EPA proposes amending subsection (a) to eliminate an unnecessary equation, and add an equation specifying how excess non-monomer will be calculated.

The Illinois EPA proposes amending subsection (c) to clarify that the monomer VOM emissions calculated using Equation 3 cannot exceed the limit calculated using Equation 2. The Illinois EPA also proposes amending subsection (c) to clarify that the

formulas in subsection (c)(3) calculate emission rates in terms of kg VOM/Mg resin or gel coat, and to define “VOM%.”

The Illinois EPA proposes amending subsection (d) to provide that control device alternatives must be approved as a SIP revision.

The Illinois EPA proposes amending subsection (e) to reiterate that, if a source is complying with subsection (c), the value of a certain term in Equation 5 shall also be used as the value of a certain term in Equation 4. The Illinois EPA also proposes correcting a typographical error in which a reference to Section 218/219.891(b)(4) should reference (c)(4) instead.

#### **Section 218/219.892 Testing and Monitoring Requirements**

The Illinois EPA proposes amending subsection (a) to clarify when testing must occur.

The Illinois EPA proposes amending subsection (c) to clarify the monitoring requirements applicable to sources utilizing an afterburner versus those utilizing a carbon adsorber.

The Illinois EPA proposes amending subsection (d) to further clarify when a Method 24 test must be used.

#### **Section 218/219.894 Recordkeeping and Reporting Requirements**

The Illinois EPA proposes amending subsection (a) to add additional recordkeeping requirements for exempt sources.

The Illinois EPA proposes amending subsection (c) to delete the word “daily” and to provide that sources shall collect and record the mass of each open molding resin or gel coat as applied each day by each subject fiberglass boat manufacturing operation.

The Illinois EPA proposes amending subsection (g) by adding “including water” to the recordkeeping provision concerning cleaning solvents used in fiberglass boat manufacturing operations.

### **Subpart JJ: Miscellaneous Industrial Adhesives**

#### **Section 218/219.901 Emission Limitations and Control Requirements**

The Illinois EPA proposes amending subsection (b) to provide that the emission limitations are in terms of mass of VOM per volume of adhesives or adhesive primer, excluding water and compounds exempted from the definition of VOM.

The Illinois EPA proposes amending subsection (c) to correct two equations in which “mass” should have been “volume,” and to correct a subscript error.

The Illinois EPA proposes amending subsection (d) to provide that control device alternatives must be approved as SIP revisions.

#### **Section 218/219.902 Testing Requirements**

The Illinois EPA proposes amending subsection (a) to clarify when testing must occur.

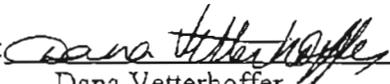
#### **Section 218/219.903 Monitoring Requirements**

The Illinois EPA proposes amending subsection (a) to clarify the monitoring requirements applicable to sources utilizing an afterburner versus those utilizing a carbon adsorber.

#### **Section 218/219.904 Recordkeeping and Reporting Requirements**

The Illinois EPA proposes amending subsection (d) to require that sources collect and record the volume of each adhesive applied by each subject adhesive application operation.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Dana Vetterhoffer  
Assistant Counsel  
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DATED: March 4, 2011

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )
REASONABLY AVAILABLE CONTROL ) R11-
TECHNOLOGY (RACT) FOR VOLATILE ) (Rulemaking-Air)
ORGANIC MATERIAL EMISSIONS FROM )
GROUP II AND GROUP IV CONSUMER & )
COMMERCIAL PRODUCTS: PROPOSED )
AMENDMENTS TO 35 ILL. ADM. CODE 211, )
218, and 219 )

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served the attached REGULATORY PROPOSAL entitled "REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) FOR VOLATILE ORGANIC MATERIAL EMISSIONS FROM GROUP II AND GROUP IV CONSUMER & COMMERCIAL PRODUCTS: PROPOSED AMENDMENTS TO 35 ILL. ADM. CODE 211, 218, and 219," MOTION FOR WAIVER OF COPY REQUIREMENTS, and APPEARANCE of the Illinois Environmental Protection Agency upon the person to whom it is directed, by mailing it by first-class mail from Springfield, Illinois, with sufficient postage affixed, to the following persons:

John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601-3218

Matthew Dunn, Chief
Division of Environmental Enforcement
Office of the Attorney General
100 West Randolph St., Suite 1200
Chicago, IL 60601

Virginia Yang
Deputy Legal Counsel
Illinois Department of Natural Resources
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ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: [Signature]
Dana Vetterhoffer
Assistant Counsel
Division of Legal Counsel

DATED: March 4, 2011
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