

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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IN THE MATTER OF: )  
)  
PETITION OF CROMWELL-PHOENIX, INC. )  
FOR AN ADJUSTED STANDARD FROM 35 )  
Ill. Adm. Code Subpart F, Section 218.204(c) )  
(the "Paper Coating Rule") )

PCB No. AS 03-05  
(Adjusted Standard)

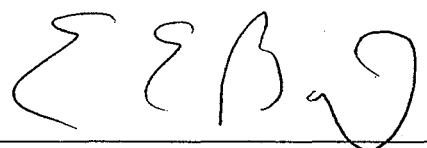
STATE OF ILLINOIS  
Pollution Control Board

NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on July 3, 2003, we filed with the Clerk of the Illinois Pollution Control Board, 100 West Randolph Street, James R. Thompson Center Suite 11-500, Chicago, Illinois, 60601-3218, an original and nine (9) copies of counsel's **MOTION FOR EXPEDITED REVIEW**; a copy of said Motion for Expedited Review is attached hereto and hereby served upon you.

CROMWELL-PHOENIX, INC.

By  \_\_\_\_\_  
One of Its Attorneys

Eric E. Boyd  
Lorena S. Neal  
SEYFARTH SHAW  
55 East Monroe Street  
Suite 4200  
Chicago, Illinois 60603  
(312) 346-8000

**SERVICE LIST**

Charles E. Matoesian  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, IL 62794-9276

David Bloomberg  
Air Quality Planning Section - MC39  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, IL 62794

Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
Suite 11-500  
100 West Randolph  
Chicago, IL 60601

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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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IN THE MATTER OF: )  
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PETITION OF CROMWELL-PHOENIX, INC. ) PCB No. AS 03-05  
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STATE OF ILLINOIS  
*Pollution Control Board*

**MOTION FOR EXPEDITED REVIEW**

CROMWELL-PHOENIX, Inc. ("Cromwell"), through its attorneys, and pursuant to 35 Ill. Adm. Code § 101.512, respectfully submits this Motion for Expedited Review ("Motion") of the Petition for Adjusted Standard ("Petition") previously filed by Cromwell with the Illinois Pollution Control Board ("Board").

On May 29, 2003, Cromwell filed a Petition seeking an adjusted standard from the volatile organic material ("VOM") paper-coating requirements of 35 Ill. Adm. Code Section 218.204(c). The adjusted standard would apply to the emissions of VOM from Cromwell's corrosion inhibiting ("CI") packaging materials production facility in Alsip, Cook County, Illinois. Cromwell manufactures the CI packaging materials by applying a CI solution to a kraft paper substrate so that the CI solution constituents will remain in and become an integral part of the final product. As the Petition explains in more detail, the VOM components of the CI solutions are not only corrosion inhibiting themselves, they also "facilitate the gradual migration of other corrosion inhibiting solids present in the CI packaging products onto the customer's wrapped metal parts over a prolonged period of time." Petition at page 10. As such, most of the VOM is retained in the final product and the amount of VOM emitted from Cromwell's Alsip facility is less than major source levels (25 tons VOM per year).

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Prior to filing the Petition, Cromwell discussed the Petition with representatives of the IEPA. In March 2002, Cromwell filed a Clean Air Act Permit Program ("CAAPP") application for a minor source operating permit with the IEPA. In May 2002, an IEPA representative visited the Cromwell facility in Alsip, at Cromwell's invitation, in order to observe Cromwell's operations first hand. After that visit, IEPA representatives reviewed and provided comments on drafts of the petition for adjusted standard. The Agency's recommendation in this matter must be filed no later than July 14, 2003.

Cromwell has entered into business negotiations with another company ("Company") that has prompted a need to request that the Board expedite its review of the Petition. On June 3, 2003, Cromwell signed a Letter of Intent ("LOI") with Company, in which the parties agreed to merge their businesses into a new entity. This merger would lead to additional CI packaging material business at the Alsip facility, as well as new jobs and increased revenues for the State of Illinois.

The LOI requires the Alsip facility to obtain an air operating permit issued by the IEPA by December 31, 2003. This deadline is crucial to the success of the merger of the two companies. Before a permit can be issued, however, Cromwell must first receive Board approval for the Adjusted Standard proposed in its Petition. Although the CI packaging material business at the Alsip facility will increase as a result of the merger, the Adjusted Standard requested in the Petition should not be affected. The Alsip facility will still be a minor source of VOM emissions after the merger.

No material prejudice will result from the granting of this Motion. Cromwell, however, will be materially prejudiced if this Motion is denied, thus delaying or halting the merger


contemplated in the LOI. The State of Illinois could also be prejudiced because the merger will result in additional Illinois jobs and revenues.

As required by 35 Ill. Adm. Code § 101.512, the Motion is accompanied by an Affirmation attesting that the facts cited herein are true. The Affirmation is signed by Whitman H. Brisky, outside counsel for Cromwell.

WHEREFORE, Cromwell-Phoenix, Inc. respectfully requests that the Board grant its Motion for Expedited Review ("Motion") regarding the Petition for Adjusted Standard ("Petition") previously filed with the Board.

Respectfully submitted,

CROMWELL PHOENIX, INC.

By:   
\_\_\_\_\_  
One of Its Attorneys

Eric E. Boyd  
Lorena S. Neal  
SEYFARTH SHAW  
55 East Monroe Street  
Suite 4200  
Chicago, Illinois 60603  
(312) 346-8000

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AFFIRMATION

I, Whitman H. Brisky, under oath, hereby state and affirm that I am over the age of eighteen years and that if called upon to testify have knowledge of and would assert the following:

1. I am counsel for Cromwell-Phoenix, Inc., and am generally familiar with the operations of that organization and its CI packaging materials production facility in Alsip, Illinois.

2. The facts cited in the foregoing Joint Motion for Expedited Review are true and correct to the best of my information and belief.

[Handwritten signature of Whitman H. Brisky]
Whitman H. Brisky
Attorney At Law

SUBSCRIBED TO AND SWORN BEFORE ME
THIS 1st DAY OF July, 2003

[Handwritten signature of Tracy J. Robinson]
NOTARY PUBLIC



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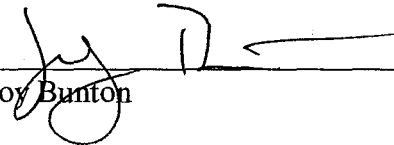
PROOF OF SERVICE

I, the undersigned, on oath [or affirmation] state that I have served on the date of July 3, 2003, the attached **Motion for Expedited Review**, by U.S. Mail upon the following persons:


Charles E. Matoesian  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, IL 62794-9276

David Bloomberg  
Air Quality Planning Section - MC39  
Illinois Environmental Protection Agency  
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Bradley P. Halloran  
Hearing Officer  
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James R. Thompson Center  
Suite 11-500  
100 West Randolph  
Chicago, IL 60601

  
\_\_\_\_\_  
Joy Bunton

SUBSCRIBED TO AND SWORN BEFORE ME  
THIS 3rd DAY OF JULY, 2003

  
\_\_\_\_\_  
NOTARY PUBLIC



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