

ILLINOIS POLLUTION CONTROL BOARD

August 7, 2003

IN THE MATTER OF: )  
)  
PETITION OF CROMWELL-PHOENIX, ) AS 03-05  
INC. FOR AN ADJUSTED STANDARD ) (Adjusted Standard - Air)  
FROM 35 ILL. ADM. CODE 218.204(C) )

ORDER OF THE BOARD (by N.J. Melas):

Today's order grants two motions filed by Cromwell-Phoenix, Inc. (Cromwell): a motion for expedited review and a motion for an expedited transcript of the August 7, 2003 hearing scheduled in this matter.

On May 29, 2003, petitioner Cromwell-Phoenix, Inc. (Cromwell) filed this petition for an adjusted standard from 35 Ill. Adm. Code 218.204(c), also known as the paper coating rule, as that Board regulation pertains to volatile organic material (VOM) emissions from Cromwell's corrosion inhibiting (CI) packaging materials production facility in Alsip, Cook County. On July 16, 2003, the Illinois Environmental Protection Agency (Agency) filed its recommendation that the Board grant Cromwell's petition for an adjusted standard from the paper coating rule. Hearing is scheduled to begin today.

**MOTION FOR EXPEDITED REVIEW**

On July 3, 2003, Cromwell filed a motion for an expedited review. Cromwell requests an expedited decision by the Board in this matter because Cromwell has agreed to merge its business with another company, creating a new entity. The merger would increase the production of corrosion inhibiting packaging material at the Alsip facility.

Cromwell contends that during negotiations, Cromwell signed a letter of intent requiring the Alsip facility to obtain an air-operating permit issued by the Illinois Environmental Protection Agency (Agency) by December 31, 2003. Cromwell argues that before the Agency can issue an air-operating permit, the Board must first approve the adjusted standard that Cromwell proposed in this petition. Cromwell contends that despite the increase in production because of the merger, the Alsip facility will remain a minor source of VOM emissions after the merger. Thus, Cromwell argues the merger should not affect the adjusted standard Cromwell requested.

Cromwell argues that granting this motion will cause no party prejudice, but that Cromwell would be prejudiced should the Board deny the motion for expedited review. Cromwell further argues that the State of Illinois could be prejudiced if the Board denies this motion because the merger would lead to additional jobs and revenue in Illinois.

**MOTION FOR EXPEDITED****TRANSCRIPT**

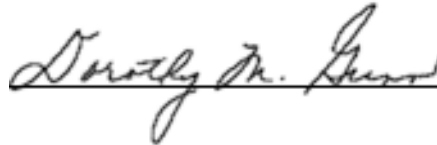
On July 25, 2003, Cromwell filed a motion for expedited transcript. Cromwell seeks to expedite the transcript from the hearing in this matter scheduled for August 7, 2003, for the same reasons as explained in Cromwell's motion for expedited review. Cromwell agrees to pay the costs for an expedited transcript.

**CONCLUSION**

The Board grants Cromwell's motion for expedited review, consistent with Board resources. The Board also grants Cromwell's motion for expedited transcripts. The Board will ask for expedited transcripts of the August 7, 2003 hearing and will allow Cromwell to pay for the costs of expediting the transcripts. The Board will expeditiously reach a decision following its receipt of the transcript and any briefs filed by the parties.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 7, 2003, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board