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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MAY 17 2004

IN THE MATTER OF:)

STATE OF ILLINOIS
Pollution Control Board

PETITION OF CROWNLINE BOATS, INC.)
FOR AN ADJUSTED STANDARD FROM)
35 ILL. ADM. CODE 215.301)

AS 04-01
(ADJUSTED STANDARD - AIR)

NOTICE

TO: Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

Carol Sudman, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274

Dale A. Guariglia
Bryan Cave, LLP
One Metropolitan Square
211 North Broadway, Suite 3600
St. Louis, MO 63102-2750

PLEASE TAKE NOTICE that I have filed with the Office of the Pollution Control Board the RESPONDENT'S POST-HEARING BRIEF on behalf of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

Date: May 14, 2004

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 

Charles E. Matoesian
Assistant Counsel
Division of Legal Counsel

1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217/782-5544

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MAY 17 2004

IN THE MATTER OF:)

PETITION OF CROWNLINER BOATS, INC.)
FOR AN ADJUSTED STANDARD FROM)
35 ILL. ADM. CODE 215.301)
)

STATE OF ILLINOIS
Pollution Control Board
AS 04-01
(Adjusted Standard-Air)

RESPONDENT'S POST-HEARING BRIEF

NOW COMES the Illinois Environmental Protection Agency ("Illinois EPA" or "Agency") by its attorney, Charles E. Matoesian, and hereby submits its Post-Hearing Brief with the Illinois Pollution Control Board ("Board") in this matter. In support of this Post-Hearing Brief, the Illinois EPA states as follows:

1. Crownline, Inc. ("Crownline") filed its Petition for Adjusted Standard ("Petition") on December 4, 2003, pursuant to Section 28.1 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/28.1, and the regulations of the Board at 35 Ill. Adm. Code Section 104.402. The Petition requests that the Board grant Crownline an adjusted standard from 35 Ill. Adm. Code Section 215.301, the Use of Organic Material Rule, better known as the "8 lb/hr Rule" as it applies to the emissions of volatile organic material ("VOM") from Crownline's West Frankfort, Illinois, boat manufacturing facility.
2. On February 5th, 2004, the Board found that the Crownline petition met the requirements of 35 Ill. Adm. Code Section 104.406 and accepted the matter for hearing.
3. On or about January 20th, 2004, the Illinois EPA filed its recommendation with the Board recommending that the Board GRANT the Petition for Adjusted Standard.

4. A hearing was held on this matter on April 23rd, 2004. Testimony was presented by Mr. Dale Guariglia, Mr. James Claxton and Mr. Andy Polcyn for Petitioner. Certain questions were posed by Ms. Alisa Liu of the Board's technical staff. The Hearing Officer, Ms. Carol Sudman, determined that the questions should be addressed by the parties in their post-hearing briefs. See Transcript p. 42, Lines 7 - 21.

5. The questions were primarily directed at clarifying points in the Petitioner's Brief. This reply is concerned solely with the few questions addressed to the Illinois EPA.

6. On page 40 of the Transcript, lines 19 through 21, Ms. Liu asks Mr. Matoesian "[i]n their testimony, Crownline indicated that the Agency was agreeable to its revised wording for the adjusted standard. Do you support that that?" The Illinois EPA states in elaboration of its answer at hearing that the Agency has come to an agreement with the Petitioner over the wording of the Adjusted Standard and supports the granting of the Adjusted Standard based on the language submitted at hearing by the Petitioner. This language has been added to *Crownline Boats, Inc. Post Hearing Response* at Exhibit B.

7. On page 41 of the Transcript, lines 1 through 6, Ms. Liu asks if the Illinois EPA has any additional information concerning the 8 lb/hr rule that it would like to add to "what Crownline interpreted." The Illinois EPA agrees with Crownline when it states that when the Board enacted the 8 lb/hr rule the Board did not, and could not, have anticipated Crownline's particular situation especially when the newer emissions factors established by the U.S. EPA are considered.

8. As the schedule for filing the Post-Hearing Briefs was concurrent, the Illinois EPA reserves the right to provide additional answers and clarifications should the

Petitioner's Post-Hearing Brief contain matter found objectionable or requiring clarification.

WHEREFORE, for the reasons stated herein, the Illinois EPA recommends that Crownline's Petition for an Adjusted Standard be granted.

Respectfully Submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

BY:



Charles E. Matoesian
Assistant Counsel
Division of Legal Counsel

DATED: May 14, 2004
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

PROOF OF SERVICE

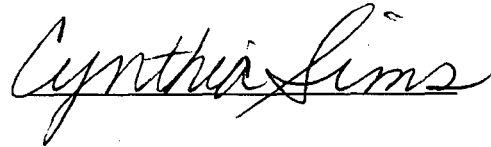
I, the undersigned, on oath state that I have served the attached Respondent's Post-Hearing Brief upon the person to whom it is directed, by placing it in an envelope addressed to:

TO: Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

Carol Sudman, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
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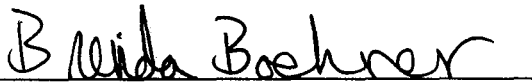
Dale A. Guariglia
Bryan Cave, LLP
One Metropolitan Square
211 North Broadway, Suite 3600
St. Louis, MO 63102-2750

and mailing it by First Class Mail from Springfield, Illinois on May 14, 2004, with sufficient postage affixed.



SUBSCRIBED AND SWORN TO BEFORE ME

this 14th day of May, 2004



Notary Public



THIS FILING IS SUBMITTED ON RECYCLED PAPER