

APR 19 2005

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
PLASTIC INJECTION MOLDING)
OPERATIONS)

R 05- 20

NOTICE OF FILING

TO: Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
(VIA FIRST CLASS MAIL)

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
(VIA FIRST CLASS MAIL)

(PERSONS ON ATTACHED SERVICE LIST)

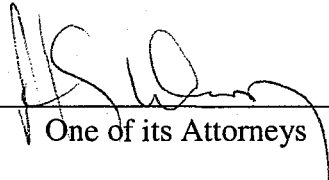
PLEASE TAKE NOTICE that on April 19, 2005, I filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies each of ENTRY OF APPEARANCE OF PATRICIA F. SHARKEY, PROPOSAL OF AMENDMENT and STATEMENT OF REASONS, copies of which are hereby served upon you.

Dated: April 19, 2005

Respectfully submitted,

CHEMICAL INDUSTRY COUNCIL OF ILLINOIS

By: _____



One of its Attorneys

Patricia F. Sharkey
Mayer, Brown, Rowe & Maw LLP
190 South LaSalle Street
Chicago, Illinois 60603-3441
(312) 782-0600

CERTIFICATE OF SERVICE

I, Patricia F. Sharkey, an attorney, hereby certify that I have served the attached ENTRY OF APPEARANCE OF PATRICIA F. SHARKEY, PROPOSAL OF AMENDMENT and STATEMENT OF REASONS upon:

Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
(Hand Delivery)

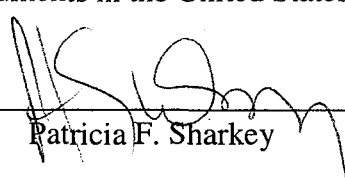
Charles E. Matoesian
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
(U.S. Mail)

Matthew Dunn, Chief
Division of Environmental Enforcement
Office of the Attorney General
188 West Randolph Street, 20th Floor
Chicago, Illinois 60601
(U.S. Mail)

Office of Legal Services
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271
(U.S. Mail)

Donald Sutton
Manager, Permit Section
Division of Air Pollution
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
(U.S. Mail)

as indicated above, by delivery or by depositing said documents in the United States Mail, postage prepaid, in Chicago, Illinois on April 19, 2005.



Patricia F. Sharkey

Patricia F. Sharkey
Mayer, Brown, Rowe & Maw LLP
190 South LaSalle Street
Chicago, Illinois 60603-3441
(312) 782-0600

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CLERK'S OFFICE

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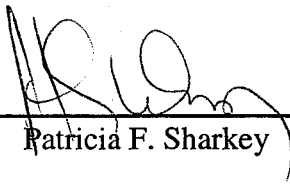
IN THE MATTER OF:)
)
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OPERATIONS)

R 05- 20

ENTRY OF APPEARANCE OF PATRICIA F. SHARKEY

NOW COMES PATRICIA F. SHARKEY, and hereby enters her appearance in this matter on behalf of the Chemical Industry Council of Illinois.

Respectfully submitted,

By: 
Patricia F. Sharkey

Dated: April 19, 2005

Patricia F. Sharkey
Mayer, Brown, Rowe & Maw LLP
190 South LaSalle Street
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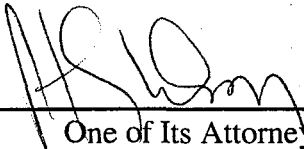
PROPOSAL OF AMENDMENT

The CHEMICAL INDUSTRY COUNCIL OF ILLINOIS ("CICI"), pursuant to 35 Ill. Admin. Code 102.202, moves the Board to accept for hearing CICI's proposal for amendment of 35 Ill. Admin. Code Part 201.146 attached hereto. This regulatory proposal includes: 1) the proposed amendatory language; 2) a Statement of Reasons; and 3) an Appearance for the attorney representing CICI.

Respectfully submitted,

CHEMICAL INDUSTRY COUNCIL
OF ILLINOIS

By: _____


One of Its Attorneys

Dated: April 19, 2005

Patricia F. Sharkey
Mayer, Brown, Rowe & Maw LLP
190 South LaSalle Street
Chicago, Illinois 60603-3441
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STATE OF ILLINOIS
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STATEMENT OF REASONS

The Chemical Industry Council of Illinois ("CICI") hereby submits this Statement of Reasons to the Illinois Pollution Control Board ("Board") pursuant to Sections 27 and 28 of the Environmental Protection Act ("Act") (415 ILCS 5/27 and 28) and 35 Ill. Admin. Code § 102.202(b), in support of the proposed revision to 35 Ill. Admin. Code § 201.146 which is attached hereto in Exhibit A.

I. STATEMENT OF FACTS AND
PURPOSE AND EFFECT OF PROPOSAL

Subpart C of Part 201 of the Board's Air Pollution Control Regulations (35 Ill. Admin. Code Part 201, Subpart C) contains the requirements for air construction and operating permits. Pursuant to Section 201.142 (35 Ill. Admin. Code 201.142), a construction permit is required when constructing or modifying an emission source. Pursuant to Section 201.143 (35 Ill. Admin. Code 201.143), an operating permit is required for the operation of any emission source for which a construction permit is required under Section 201.142. Under these rules, construction and operating permits are required for any new emission units, physical changes and changes in the method of operations which increase emissions unless such new emission units or changes are covered by a permit exemption listed in 35 Ill. Admin. Code 201.146.

Section 201.146 contains a list of permit exemptions based on categories of emission units and activities. These exemptions are referred to herein as "categorical exemptions." This

rulemaking proposal would amend the current list of 59 categorical exemptions in Section 201.146 by adding the following additional category:

“hhh) Plastic injection, compression, and transfer molding equipment, and associated plastic resin handling, storage, granulating, and drying equipment.”

This proposed categorical exemption will be referred to herein as the “plastic injection molding” exemption. The contaminant of concern generated by “plastic injection molding” operations is volatile organic material (“VOM”). While large plastic injection molding machines may have the potential to emit as much as 0.1 tons per year, a typical plastic injection molding machine has potential emissions on the order of 0.02 tons per year under worst case assumptions. These emissions are of a level that is the same or lower than the emissions generated by other categories of emission units that are currently exempt from state permitting under Section 201.146. Emissions from the associated activities covered under this proposed exemption are negligible.

The sole purpose of this amendment is to relieve the Illinois EPA and owners and operators from the burden of state construction and operation permitting for these very low emitting emission units and activities. The existing language of Section 201.146, which will be applicable to this exemption, provides:

“...The permitting exemptions in this Section do not relieve the owner or operator of any source from the obligation to comply with any other applicable requirements, including the obligation to obtain a permit pursuant to Sections 9.1(d) and 39.5 of the Act, Sections 165, 173 and 502 of the Clean Air Act or any other applicable permit or registration requirements.”

This proposed amendment will not result in an increase in any emissions because Section 201.146 does not relieve owners and operators from the duty to comply with all

otherwise applicable requirements. Although there are no specific emission limitations or emission controls prescribed by regulation for plastic injection molding operations that require specification in a permit, plastic injection molding operations, like the other categories of emission units and activities that are exempt under Section 201.146, will remain subject to all regulations of general applicability, such as the regulatory prohibition on the emission of more than 8 lb./hour of VOM to the environment which is contained in 35 Ill. Admin. Code 218.301. Finally, to the extent that these emission units and activities are located at facilities that have total emissions in excess of major source thresholds, the existing language in Section 201.146 makes it clear that the permitting requirements of Section 165, 173 and 502 of the Clean Air Act will apply to these emission units and activities.

The low level of emissions generated by plastic injection molding operations would qualify for the *de minimis emissions* exemption proposed by the Illinois Environmental Regulatory Group and the Illinois EPA in the pending rulemaking docket R05-19. However, that exemption, as proposed, only applies to *permitted facilities*. Thus, plastic injection molding facilities that do not otherwise require an Illinois EPA air pollution control permit would not be eligible for that *de minimis emissions* exemption.

A categorical exemption is also more appropriate for plastic injection molding operations because this category covers operations which are acknowledged to have very low emissions. The proposed categorical exemption will allow owners and operators and Illinois EPA inspectors to readily determine that plastic injection molding operations do not require permits without having to perform emission tests or calculations. Because this proposed amendment is different in nature from the proposal in R05-19, CICI requests that this docket not be combined with that rulemaking docket.

II. AFFECTED SOURCES AND GEOGRAPHIC REGIONS

CICI is a statewide trade association representing the chemical industry in Illinois. CICI represents 198 member companies with over 54,000 employees employed in 745 manufacturing facilities and 975 wholesale and distribution facilities throughout Illinois. See Affidavit of Mark Biel, Exhibit B hereto. Chemical manufacturers in Illinois produce a wide array of products, including plastics, plastic resins and plastic products.

There are approximately 500 facilities in Illinois that perform plastic injection molding. Many of these are small facilities with as few as 20 employees and less than \$5 million in annual sales. Although plastic injection molding machines may be used at larger facilities that also have coating or other operations, many plastic injection molding plants, as a whole, qualify as "true minor" emission sources with total actual emissions well below major source thresholds. Many plastic injection molding facilities do not operate any other emission units which are subject to Illinois permit requirements, and thus are not otherwise required to obtain air pollution control permits from the Illinois EPA.

Facilities operating plastic injection molding equipment are believed to be located throughout the State of Illinois.

III. TECHNICAL FEASIBILITY AND ECONOMIC REASONABLENESS/IMPACT

The proposed revision to 35 Ill. Admin. Code § 201.146 does not impose any new requirements and will not affect emissions to the environment. In fact, many owners and operators believe that "plastic injection molding" is covered under other existing categorical exemptions. Nonetheless the adoption of this specific language will resolve any ambiguity.

By clearly exempting this category of very minor emission sources, this proposed revision will reduce unwarranted permitting costs to business and the State. By eliminating

ambiguity regarding permitting requirements, this proposal will relieve owners and operators of plastic injection molding processes from the risk of enforcement actions based upon differences in interpretation of existing categorical exemptions. Finally, this exemption will allow Illinois EPA to save its permitting and enforcement resources for more significant emission sources. Because this exemption will not relieve affected emission units from any applicable requirement other than state construction and operating permitting, this rulemaking will not impact air quality in Illinois. Therefore, an analysis of technical feasibility and economic reasonableness is not appropriate or required.

IV. COMMUNICATION WITH INTERESTED PARTIES

CICI and its member companies have had several discussions with Illinois EPA as to the appropriateness of adding this categorical exemption to the list of existing categorical exemptions in 35 Ill. Admin. Code § 201.146. Illinois EPA has agreed that this is a category of emission sources for which a categorical exemption is appropriate and beneficial to the State. CICI has discussed this proposal with its membership and has also discussed it with representatives of the Society of the Plastics Industry, Inc., all of whom support this exemption.

V. SYNOPSIS OF TESTIMONY

CICI will present testimony in support of this proposal, as may representatives of one or more representatives of its member companies. This testimony will focus on the plastic injection molding business, a description of plastic injection molding equipment and operations, the nature and volume of emissions associated with these operations and the general air pollution regulations which are applicable to these operations. CICI will also provide testimony on the appropriateness and benefit of adding this categorical exemption to Section 201.146. Finally,

CICI will also provide information on similar exemptions which have been adopted by the Board and by other states with approved State Implementation Plans.

VI. MATERIALS INCORPORATED

No material is to be incorporated by reference within the subsections proposed for addition to Section 201.146.

VII. REQUEST FOR WAIVER OF PETITION REQUIREMENT

CICI is an Illinois "not-for-profit" organization with 198 member companies all of which operate businesses in Illinois. A list of CICI's member companies is attached hereto as *Exhibit C*. As stated in the attached Affidavit of Mark Biel, Executive Director, CICI's member companies employ over 54,000 employees who work in 745 manufacturing facilities and 975 wholesale and distribution facilities in Illinois. See *Exhibit B*. CICI's members and their employees are "persons" within the meaning of 35 Ill. Admin. Code 101.202 and 102.202(f).

As further stated in the attached Affidavit of Mark Biel, CICI's member companies support the attached proposal to amend the Board's regulations and have requested that CICI submit this proposal on their behalf. See *Exhibit B*. Based on all of the above, CICI requests that the Board waive the requirement that a petition containing the signatures of two hundred persons accompany this proposal.

VIII. CERTIFICATION OF MOST RECENT REGULATION

The proposed categorical exemption would be a new subsection under 35 Ill. Admin. Code § 201.146. CICI certifies, by its attorney's signature below, that the portion of 35 Ill. Admin. Code § 201.146 cited in this proposal is the most recent version of 35 Ill. Admin. Code § 201.146, as published on the Illinois Pollution Control Board's Web site.

IX. CONSISTENCY WITH FEDERAL LAW

The proposed regulatory revision will affect Illinois' State Implementation Program ("SIP"). Therefore, if the proposed regulatory amendment is approved, Illinois EPA will be required to submit a SIP revision to USEPA. To meet the hearing requirements for SIP revisions, a public hearing must be held in this rulemaking procedure. See 40 C.F.R. §§ 51.102 and 51.104.

X. CONCLUSION

CICI is proposing this categorical exemption to reduce the permitting burden on certain very minor emission sources in the plastics industry, and relieve Illinois EPA of the burden of permitting these very minor emission sources.

FOR THE REASONS STATED ABOVE, CICI hereby submits this regulatory proposal and requests that the Board adopt this proposed addition to 35 Ill. Admin. Code § 201.146.

Respectfully submitted,

CHEMICAL INDUSTRY COUNCIL
OF ILLINOIS

By: _____


One of Its Attorneys

Dated: April 19, 2005

Patricia F. Sharkey
Mayer, Brown, Rowe & Maw LLP
190 South LaSalle Street
Chicago, Illinois 60603-3441
(312) 782-0600

**TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
PART 201
PERMITS AND GENERAL PROVISIONS**

Section
201.146 Exemptions from State Permit Requirements

Construction or operating permits, pursuant to Sections 201.142, 201.143, and 201.144 of this Part, are not required for the classes of equipment and activities listed below in this Section. The permitting exemptions in this Section do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements, including the obligation to obtain a permit pursuant to Sections 9.1(d) and 39.5 of the Act, Sections 165, 173, and 502 of the Clean Air Act or any other applicable permit or registration requirements.

* * *

hhh) Plastic injection, compression, and transfer molding equipment, and associated plastic resin handling, storage, granulating, and drying equipment.

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

AFFIDAVIT OF MARK BIEL
EXECUTIVE DIRECTOR
CHEMICAL INDUSTRY COUNCIL OF ILLINOIS

I, Mark Biel, being first duly sworn, state as follows:

1. I am the Executive Director of the Chemical Industry Council of Illinois, a not-for-profit Illinois corporation.

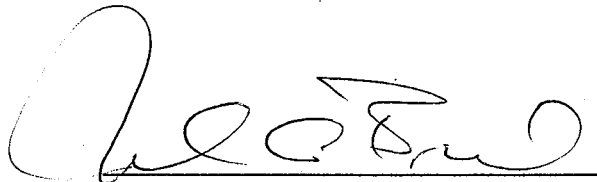
2. The Chemical Industry Council of Illinois ("CICI") is a statewide trade association representing the chemical industry in Illinois. CICI has offices in Des Plaines and Springfield, Illinois. CICI represents 198 member companies with over 54,000 employees employed in 745 manufacturing facilities and 975 wholesale and distribution facilities in Illinois. Chemical manufacturers in Illinois produce a wide array of products from plastics, pesticides and industrial chemicals to lifesaving medicines and household products. Workers directly employed in the chemical industry represent 7.3% of the state's manufacturing work force and have an average wage over \$60,000 per year. The chemical industry generates an additional 296,000 jobs in Illinois at industry suppliers, manufacturers, transporters, trade and business services companies, and construction companies.

2. One of CICI's functions is to represent its member companies in the formation of public policies and programs which are mutually beneficial to the citizens of Illinois and the chemical industry. In this capacity, CICI monitors statewide legislation and regulations in Illinois, including environmental permitting programs, and provides information and makes

recommendations to its membership. CICI also often advocates on behalf of its membership for more cost effective and efficient regulatory requirements.

3. The attached proposed amendment to the Illinois Pollution Control Board's regulations governing state air pollution control permits for plastic injection molding operations, R05-, is supported by CICI members and is proposed by CICI on their behalf.

FURTHER AFFIANT SAYETH NOT.

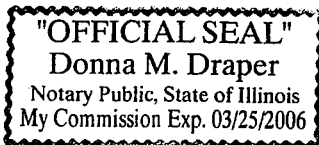


Mark Biel
Executive Director
Chemical Industry Council of Illinois
2250 East Devon, Suite 239
Des Plaines, IL 60018
(847) 544-5999

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

Signed and sworn to by Mark Biel
who appeared before me and/or affirmed his signature to me, a Notary Public, in and for the County of Cook, State of Illinois, on this 18th day of April, 2005, in order to affix his signature as his free and voluntary act.

Donna M Draper
Notary Public



MEMBERSHIP

CICI REGULAR MEMBERS

3M Company
 Abbott Laboratories
 Afton Chemical
 Air Liquide
 Air Products & Chemicals Inc.
 Akzo Nobel Surface Chemistry LLC
 American Chemistry Council
 Ashland Inc.
 Aux Sable L.P. Inc.
 BASF
 Basic Chemical Solutions
 BOC Gases
 BP
 Brenntag Great Lakes, LLC
 Cabot Corporation
 Calgon Carbon Corporation
 Carus Chemical Company
 The Cary Company
 Caterpillar
 CCL Custom Manufacturing Inc.
 Celanese
 CF Industries
 Chemblend of America, LLC
 CHEMCENTRAL Corporation
 Chem Trade Logistics
 CITGO Petroleum Corporation
 Clorox
 Cognis Corporation
 Consumer Specialty Products
 Assoc.
 Corn Products International
 Crompton
 DSM Desotech
 Daubert Industries, Inc.
 Degussa Goldschmidt Chemicals
 DIAL Corporation
 Diversified CPC International

CICI AFFILIATE MEMBERS

A & R Distribution, Inc.
 Advanced Waste Services, Inc.
 A.F. Crissie Co., LTD.
 Alliance 3PL Corp.
 Arthur J. Gallagher Risk
 Management Services, Inc.
 Bork Transport of Illinois
 Carbis, Inc.
 CBSL Transportation Services, Inc.

CICI ASSOCIATE MEMBERS

ADEXS, Inc.
 Admiral Environmental Services, Inc.
 Ambitech Engineering Corporation
 AMS Environmental, Inc.
 AQUATERRA Env. Solutions, Inc.
 Arcadis G & M Inc.
 ARI Environmental
 Baker Environmental, Inc.
 Baker & McKenzie
 Barnes & Thornburg
 Bellande & Sargis
 Law Group, LLP
 Boelter & Yates, Inc.
 Bradburne, Briller & Johnson, LLC
 CDM
 CH2M Hill
 Civil & Environmental
 Consultants, Inc.
 Clayton Group Services
 Conestoga-Rovers & Associates
 DLA Piper Rudnick Gray Cary

The Dow Chemical Company
 Dow Agro Sciences
 E.I. DuPont & Co. Inc.
 Eastman Chemical Company
 Ecolab
 EMCO Chemical Distributors Inc.
 Enthone-OMI Inc.
 Enviro Tech International
 ExxonMobil Chemical Company
 FBC Industries Inc.
 FMC Corporation
 Flint Hills Resources
 Forbo Adhesives, LLC
 Formosa Plastics Illinois
 Fuji-Hunt Photographic Chemicals
 GE Betz
 GE Plastics
 The Gillette Company
 Grace Davison
 W.R. Grace Company
 GROWMARK, Inc.
 C.P. Hall Company
 Hentzen Coatings, Inc.
 Honeywell International, Inc.
 Huntsman Chemical Corp.
 Hydrite Chemical Company
 Illinois Tool Works Inc.
 INEOS Silicas Americas, LLC.
 Innophos, Inc.
 JLM Chemicals Inc.
 K.A. Steel Chemicals, Inc.
 Koppers Industries Inc.
 Lambent Technologies
 LaRoche Industries Inc.
 Lonza Inc.
 Lyondell Chemical Company
 Matheson Tri-Gas
 The McIntyre Group, LTD

Coal City Cob Company, Inc.
 Exelon Generation
 Exponent, Inc.
 Gateway Warehouse Co., Inc.
 Great Lakes Terminal Transportation
 Heritage Environmental Services
 IMTT/Lemont
 International Truck & Engine Corp.
 Jevic Transportation

DOMANI-LLC
 Earth Tech Inc.
 Environ International Corporation
 Environmental Monitoring & Tech.
 ENSR Consulting & Engineering
 ERM, Inc.
 Equinox Research Associates, Inc.
 Franzetti Law Firm P.C.
 Gardner Carton & Douglas
 GEV Corp.
 Hinshaw & Culbertson
 Hodge Dwyer Zeman
 Husch & Eppenberger, LLC
 Industrial Facilities Engineering
 Jenner & Block
 Kestrel Management Services LLC
 MACTEC Engineering
 & Consultants, Inc.
 McDermott, Will & Emery
 McGuireWoods LLP

Monsanto Company
 Nalco Company
 National Paint & Coatings Assoc.
 Noveon, Inc.
 Occidental Chemical Corp.
 Olin Corporation
 Orica Nitrogen
 PELRON Corporation
 Pierce Biotechnology
 PolyOne Corporation
 The PQ Corporation
 PRAXAIR Inc.
 Producers Chemical Company
 PVS Chemicals, Inc.
 Reckitt Benckiser
 Regis Technologies, Inc.
 Reichhold Chemicals Inc.
 Resolution Specialty Materials LLC
 Rhodia Inc.
 Rohm and Haas Company
 Rowell Chemical Corporation
 Royster-Clark Nitrogen
 Safety-Kleen
 Seeler Industries
 Solutia Inc.
 Solvay Fluoride
 Stepan Company
 Sun Chemical Corporation
 Syngenta Crop Protection
 Teepak, LLC.
 Unilever HPC USA
 Union Carbide UCAR Emulsion
 Systems
 Univar USA
 UOP
 VERTEX CHEMICAL CORP.
 Vulcan Chemicals
 Westfallia-Surge LLC.

Kinder Morgan Liquid Terminals
 Marsh Inc.
 Onyx Environmental Services, LLC
 Patrick Engineering
 Rain For Rent
 SET Environmental, Inc.
 T.A.C., Inc.
 Transport Service Company
 Trilla Steel Drum
 Waste Management

Mayer, Brown, Rowe & Maw
 O'Keefe Lyons & Hynes
 R K & Associates, Inc.
 Roux Associates, Inc.
 Schiff Hardin LLP
 SEECO Environmental Services Inc.
 Seyfarth Shaw
 Shaw E & I
 Sidley Austin Brown & Wood
 Sonnenschein Nath & Rosenthal Inc.
 Terracon
 The RETEC Group, Inc.
 Thompson Coburn LLP
 Total Environmental Solutions, P.C.
 TRC Environmental Corporation
 Trinity Consultants Inc.
 URS Corporation
 Versar, Inc.
 Weaver Boos Consultants
 Wildman, Harrold, Allen & Dixon
 Winston & Strawn