

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
 )  
PROPOSED AMENDMENTS TO )  
EXEMPTIONS FROM STATE ) R 05-20  
PERMITTING REQUIREMENTS )  
FOR PLASTIC INJECTION MOLDING )  
OPERATIONS )  
(35 Ill. Admin. Code 201.146) )

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 ELECTRONIC FILING)

(PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that on July 19, 2005, I filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the CHEMICAL INDUSTRY COUNCIL OF ILLINOIS' CORRECTIONS TO TRANSCRIPT OF JULY 1, 2005 HEARING, a copy of which is hereby served upon you.

Dated: July 19, 2005

Respectfully submitted,

CHEMICAL INDUSTRY COUNCIL OF ILLINOIS

By: /s/ Patricia F. Sharkey  
One of its Attorneys

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R 05 -20

CHEMICAL INDUSTRY COUNCIL OF ILLINOIS'  
CORRECTIONS TO TRANSCRIPT OF JULY 1, 2005 HEARING

The Chemical Industry Council of Illinois ("CIC"), by its attorneys Mayer, Brown, Rowe & Maw LLP, hereby submits its proposed corrections to the transcript of the hearing held in this proceeding on July 1, 2005.

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See revisions as shown in the attached mark-up of the transcript pages and lines referenced above.

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1 not certain that there are not compression  
2 molders <sup>and</sup> ~~that~~ transfer <sup>molders</sup> ~~holdings~~ out there that  
3 may very well qualify for an exemption. We  
4 were not prepared to be presenting testimony  
5 on that in this proceeding, so we've agreed  
6 that we're going to recommend deleting  
7 compression and transfer molding from this  
8 language.

9 The second change you'll see is  
10 that we've deleted the word handling and  
11 we've sort of unpacked that word to try to  
12 make it clearer ~~at~~ <sup>what</sup> kinds of processes  
13 and equipment can actually be covered in the  
14 concept of handling, so we've explained that  
15 that's loading, unloading, conveying, mixing.

16 We've eliminated the word  
17 granulating and replaced it with grinding  
18 because grinding is actually a more generic  
19 term for the same thing. What we found in  
20 talking to people in this business is that  
21 some people use the word granulating, some  
22 people use the word grinding, but it's  
23 intended to be the same thing, so we're using  
24 the more generic word.

1 will be submitting in the record when  
2 Mr. Harris testifies, has a reference to  
3 PM10.

4 That should have been a reference  
5 to total particulate and it's referred to  
6 throughout his testimony as PM. And that  
7 study that Mr. Harris is referring to looked  
8 at total particulate rather than PM10, so  
9 this would correct his testimony to clarify  
10 that.

11 With that, ~~Madam~~ *Madam* Hearing Officer,  
12 I take it the exhibit is already in the  
13 record, but that is what the errata sheet  
14 would do, so the proposal has slightly  
15 changed that's before you.

16 HEARING OFFICER ANTONIOLLI: Okay.

17 MS. SHARKEY: The final thing I'd like  
18 to say is that our -- as a way of  
19 introduction to this hearing today is that we  
20 are not going to be providing you with  
21 information today on statewide emission  
22 levels. We are discussing that with the  
23 Illinois EPA because, as we've been working  
24 on ~~it~~ preparing for this hearing, it was

1                   I just wanted to give you that  
2                   preview, and with that, I would like to  
3                   present the testimony of our witnesses and  
4                   introduce to you who they are. We have with  
5                   us today Ms. Lisa Frede, who is the  
6                   regulatory affairs director for the Chemical  
7                   Industry Council of Illinois. Ms. Frede has  
8                   been there for four years and has been in  
9                   government and environmental roles prior to  
10                  that.

11                  And Mr. Lynne Harris, who is with  
12                  the Society of the Plastics Industry, has  
13                  been there, as you can see from his  
14                  testimony, for a number of years, been  
15                  involved in creating a number of -- involved  
16                  in creating at least one of the studies and  
17                  overseeing and involved with other studies  
18                  and developing emission factors for the  
19                  plastics industry and 25 years experience in  
20                  the business.

21                  The final piece of testimony would  
22                  be my own on -- just ~~a design~~<sup>ed</sup> to give the  
23                  Board some perspective on what other states  
24                  have done in terms of regulating or exempting

1                                    <sup>in what</sup>  
was included ~~that~~ you've received. We have  
2 talked off the record about handling his  
3 testimony as a group exhibit because there  
4 are some 11 exhibits behind his prefiled  
5 testimony.

6                                    I have a package in which we have  
7 the full prefiled testimony, which we can  
8 enter as CICI Exhibit 3 if you would like,  
9 and then I also have a package with the  
10 individual exhibits labeled as Harris  
11 Group Exhibits 1 through 11.

12                                   HEARING OFFICER ANTONIOLLI: Let's do  
13 it the latter way that you had because  
14 they're marked well and we can do it then.  
15 If there are 11 exhibits, we can make them --  
16 instead of one group exhibit, we can just  
17 make them 3 through 13.

18                                   MS. SHARKEY: Okay.

19                                   HEARING OFFICER ANTONIOLLI: And that  
20 way they're easy to refer to in future  
21 citations; is that okay?

22                                   MS. SHARKEY: The only thing that I'm  
23 concerned about is that in Mr. Harris'  
24 prefiled testimony, they're referred to as

1 would like to refer to them, in which case we  
2 would be happy to do that or we could just  
3 simply --

4 HEARING OFFICER ANTONIOLLI: Since we  
5 have it part of the record already, let's  
6 keep it to the way that you've marked it and  
7 if you're willing to, we can enter that into  
8 the group exhibit.

9 MS. SHARKEY: Okay. So this would be  
10 entitled -- what we would be offering ~~to~~ then  
11 is Harris group exhibits, which would consist  
12 of prefiled testimony and Harris Exhibits 1  
13 through 12 and attachments?

14 HEARING OFFICER ANTONIOLLI: Can we go  
15 off the record for one minute?

16 THE REPORTER: Sure.

17 (Whereupon, a discussion  
18 was had off the record.)

19 HEARING OFFICER ANTONIOLLI: And you  
20 can come around, Mr. Harris.

21 I have in front of me the prefiled  
22 testimony of Mr. Lynne Harris on behalf of  
23 the Society of Plastics Industry, Inc., as it  
24 was prefiled on June 16, 2005. If there's no



1 regulatory authorities as defining emission  
2 factors for both simple extrusion and the  
3 extrusion process utilized in PIM.

4 What these studies demonstrate is  
5 that extrusion processing of different resins  
6 under various operating conditions produces  
7 different types and amounts of emissions.  
8 Exhibit 9, attached to my prefiled testimony,  
9 is a chart summarizing the emission factors  
10 developed in the SPI studies for each of the  
11 emissions of interest for the resins studied.

12 The information in this chart was  
13 compiled from information contained in each  
14 of the SPI studies to make it easier to  
15 review this data in this proceeding. As can  
16 be seen from this chart, the emissions of  
17 interest include VOM, PM, and a variety of  
18 HAPs.

19 The type and volume of emissions  
20 varies from a high of approximately ~~0.4~~<sup>0.4</sup>  
21 pounds of VOM per ton of resin processed to a  
22 low of approximately 0.1 pound per ton of  
23 resin processed. HAPs ranged from a high of  
24 approximately 0.3 pounds per ton of resin

1 of states that have exempted plastic  
2 injection molding. As I said earlier, we  
3 actually found Michigan's to be simple and  
4 clear and thought that it covered what we  
5 were concerned with.

6 I have attached to my testimony  
7 the language from the Michigan exemption,  
8 which simply reads -- it's Michigan DEQ  
9 Regulation R336.1286(b), which states that a  
10 permit to install does not apply to plastic  
11 injection, compression, and transfer molding  
12 equipment and associated plastic resin  
13 handling, storage, and drying equipment.

14 We also looked at another  
15 neighboring region five state and -- in Ohio,  
16 and the Ohio ~~and~~ regulation is, as you can  
17 see, is a bit more complicated. Basically  
18 Ohio has said there is a ~~permit~~ what they  
19 call a permanent exception for plastic  
20 injection molding as well as compression  
21 molding, by the way, for facilities that are  
22 processing a million pounds of resin or less  
23 annually.

24 They also provide another

1 exemption for those facilities that are  
2 processing under six million or less and are  
3 also using less than 1000 pounds of volatile  
4 organic compound as an external mold release,  
5 so they have sort of a two-tiered approach to  
6 it for the plastic injection molder with some  
7 upper limits in terms of what they were  
8 looking at.

9 Finally, the Texas administrative  
10 code was most interesting in that it was very  
11 simple and they simply have an exemption for  
12 equipment use<sup>d</sup> for compression molding and  
13 injection molding of plastics and they have  
14 got that permitted by rule.

15 We noted also that Iowa, another  
16 neighboring state, while they haven't adopted  
17 an exemption right now, is looking at -- has  
18 announced that they are going to be looking  
19 at exempting plastic injection molding, and  
20 that's in Exhibit 4 to my prefiled testimony.  
21 So we don't know the contours of that  
22 exception, but we do know that they're  
23 looking at it.

24 So Illinois is certainly not alone

1           about are emissions that are either out there  
2           ~~or~~<sup>or</sup> they're not and they're either -- whether  
3           they're permitted or not, they are -- it's  
4           not as though somebody is not going to do  
5           business because they have to get a permit,  
6           but it's a question of whether we're going to  
7           be burdening this industry with these very  
8           small emissions with that same permitting  
9           process that we use for sources with larger  
10          emissions and whether we're going to be  
11          burdening Illinois EPA with that permit  
12          processing.

13                         And that simply -- we've also then  
14          mentioned in my testimony that there are a  
15          number of other states that don't need a  
16          categorical exemption because they have  
17          exempted these very small emission sources  
18          across the board ~~where~~<sup>with</sup> a de minimis cutoff  
19          that would have included facilities even  
20          though those facilities were not otherwise  
21          required to have a permit.

22                         And so it wouldn't be surprising  
23          not to find a categorical exemption in  
24          50 states because they simply wouldn't need

1           it. And I would be happy to answer any  
2           questions regarding our research into the  
3           other states' regulations and I -- stepping  
4           out of my role as a witness, I would be  
5           happy -- and I don't think I was sworn in  
6           actually.

7                         HEARING OFFICER ANTONIOLLI: No, you  
8           weren't. Thanks for reminding me. We can  
9           have you sworn in now.

10                        MS. SHARKEY: I would be happy to be  
11           sworn in.

12                        HEARING OFFICER ANTONIOLLI: Okay.

13                                 (Witness sworn.)

14                        MS. SHARKEY: At this point, we would  
15           be happy to answer any questions the Board  
16           members or the staff may have or anybody else  
17           from the public. We would also -- of course,  
18           if Mr. Matoesian wants to make a statement --

19                        HEARING OFFICER ANTONIOLLI: Would you  
20           like to?

21                        MR. MATOESIAN: I would just state  
22           that as mentioned -- or eluded to earlier,  
23           the ~~ABT~~<sup>Agency</sup> technical staff had scheduling  
24           conflicts and were not able to attend today,

1           whatever the threshold is <sup>for a</sup> ~~a more~~ major  
2           source, they need to be considering whether  
3           or not they are triggering, depending on what  
4           attainment area they're in, whether they are  
5           triggering major source status.

6                        So they are certainly responsible  
7           for their emissions in the same way that they  
8           ~~that~~ would be without a permit. What they  
9           are -- what you have is I think some -- the  
10          only reason we're talking about what are the  
11          statewide volumes --

12                       MR. MELAS: Right.

13                       MS. SHARKEY: -- is, frankly,  
14          reflected in the hearing in R05-20 in which  
15          there was some concern and questions raised  
16          about what are we talking about in terms of  
17          having a category or a number of sources out  
18          there for which we do not have a permit, how  
19          concerned are we, what's the volume of  
20          emissions out there.

21                       And it's not that the permitting  
22          -- I believe Mr. Sutton testified to this in  
23          that hearing and I think we just wanted to  
24          make the same point here that it's not as

1 next week or in two weeks.

2 MS. SHARKEY: If I could add one point  
3 here, I want to make it clear that if you  
4 consider what a permit for these types of  
5 emission sources would look like, it would  
6 not have any individualized emission limit<sup>sin</sup>  
7 it.

8 It would not have -- because there  
9 are no individualized emission limitations  
10 that would apply, so there would be no  
11 federal NESHAP requirements or federal new  
12 source performance requirements, technology  
13 requirements, pollution control requirements,  
14 because these are de minimis sources that --  
15 if any of that is triggered, your categorical  
16 exemption, your language at the front of that  
17 exemption states they would not be eligible  
18 for the exemption.

19 So if there are any other  
20 requirements that would actually be reflected  
21 in a permit that would require control, they  
22 will -- this source will not be eligible for  
23 the exception. So you're talking about a  
24 category of sources which are -- you can

1 issue them a permit, you can go through the  
2 paperwork of issuing them a permit, but there  
3 are not going to be any extra controls on  
4 them.

5 It's just a matter of whether or  
6 not you're going to have that paperwork in  
7 Springfield on them. The emission source is  
8 out there one way or the other, whether it's  
9 exempt or whether it's ~~permitted~~ <sup>permitted</sup>. So it  
10 isn't as though we are talking about any  
11 increased level of emissions, we're simply  
12 talking about whether the state needs to have  
13 that paperwork on these sources.

14 And I would point out that many  
15 states as you -- some of which we've cited  
16 have a general permit, a permit by rule so  
17 that they don't issue a permit, they simply  
18 say abide by the rules. Illinois doesn't  
19 call it permit by rule, but, obviously, every  
20 emission source in Illinois is subject to the  
21 Pollution Control Board's rules no matter  
22 whether they have a permit or not.

23 MR. JOHNSON: Can I follow up on that,  
24 Nick?



1 actually going to choose not to locate in  
2 Illinois because they have to get a minor  
3 source permit, obviously, once they get a  
4 major source permit, the interesting thing  
5 about this is once they're required to get  
6 out and get a permit if they're are one of  
7 those sources that has other emissions, they  
8 would be covered under ~~this minor source~~<sup>the 201.146</sup> source  
9 exemption.  
10

11 if they are at a major source,  
12 they're going to be covered under the  
13 exemptions for Title V permits because there  
14 would be an insignificant activity because  
15 they're will under the insignificant activity  
16 levels.

17 MR. JOHNSON: And that's a distinction  
18 that I'm having a hell of a time making. And  
19 I know that your proposal is asking for an  
20 additional subheading under 201.146  
21 exemption, but if you could try and  
22 straighten me out -- Anand has tried to do it  
23 and has been unable to so far -- on the  
24 difference between -- what the practical  
difference is of that exemption as an actual

1 exemption versus the 201.210 insignificant  
2 activities. I can't -- I'm not making that  
3 leap for whatever reason.

4 MS. SHARKEY: As a practical matter,  
5 if I am a large source, if I'm already a  
6 major source and I have emissions less than  
7 .44 tons per year, any individual emission  
8 unit at that source less than .44 tons is  
9 categorized as an insignificant activity.  
10 ~~And~~<sup>In</sup> a Title V permit<sup>it</sup> will be  
11 simply listed and will not have any specific  
12 control requirements applicable to it if it  
13 qualifies. Now, again, it must qualify as  
14 not having a federal new source performance  
15 standard or any other draft requirement or  
16 NESHAP requirement.

17 In that instance, it will simply  
18 be listed in your Title V permit under the  
19 section of insignificant activity. And in  
20 many instances, they don't even list the  
21 number, so you could have -- we've seen some  
22 simply say plastic injection. They'll simply  
23 say extruders or they'll say -- they'll check  
24 off a list and indicate that they have an

1 didn't even realize they didn't have any good  
2 emission factors for these. They didn't  
3 realize there was any substantial amount of  
4 emission at all from these facilities. They  
5 were very clean facilities.

6 And what we have is, as science  
7 has gone on and we've gotten more concerned  
8 about ~~our~~ hazardous <sup>emissions</sup> ~~conditions~~, particularly  
9 we've gone and we begin to study in more  
10 depth, and I would suggest to you that there  
11 are many, many emission sources out there at  
12 these very tiny emission levels that Illinois  
13 right now is not regulating and that what we  
14 have is an ambiguous situation for those  
15 parties and that Illinois needs to decide  
16 whether or not it is going to be focusing on  
17 these very tiny emission sources with its  
18 permitting resources <sup>or</sup> ~~for~~ taking and looking  
19 at the fact that it doesn't have Title V  
20 permits that are out and revised and up to  
21 date for every source in this state where the  
22 big emissions are.

23 And if I could just say one more  
24 thing, what we're trying to say is to put it

1           in perspective, the states and I think that  
2           the Illinois environmental regulatory's group  
3           testimony in RO5-19 and my testimony in this  
4           proceeding is that other states have provided  
5           far bigger exemptions and are focusing their  
6           permitting resources right now on the big  
7           emission sources.

8                         So I hope that answers your  
9           question, but the thought is that when we  
10          are at this point in Illinois focusing on  
11          some very small stuff and perhaps losing  
12          site of the bigger of -- where the ball is  
13          and the real issue here is that --  
14          Mr. Sutton's testimony in that proceeding  
15          told you that something like 90 percent of  
16          emissions in the state of Illinois are  
17          produced by something like 15 percent of the  
18          emission sources.

19                        And when we start to go down to  
20          this minutia level, we have to ask ourselves  
21          as policymakers, as the Board is the  
22          policymakers, as regulators is this where  
23          these resources should be going. The rest of  
24          the states in region five had <sup>Said</sup>~~cited~~ no and

1           there's a lack of clarity on that issue and  
2           so what we're trying to do in this rulemaking  
3           is to clarify that issue.

4           HEARING OFFICER ANTONIOLLI:   And  
5           what's the current, I guess, state of that  
6           controversy that you just referred to between  
7           whether a plastic injection molding operation  
8           would be considered an extruder?

9           MR. CHARKEY:   I think that there's a  
10          difference of opinion.   Some engineers have  
11          looked at it and said the emission source is  
12          the extruder.   Others have looked at it and  
13          said, yeah, but extruder is a term of art in  
14          the industry that means only a strand  
15          extruder, a continuous strand extruder.

16          And so if the issue is is it a  
17          continuous strand extruder, certainly not.  
18          Is the main emission source the extruder --  
19          the injection barrel as we've seen, I think  
20          Mr. Harris' testimony is that ~~that~~ *it*  
21          essentially is <sup>a non-</sup>~~not a~~ continuous extruder.

22          HEARING OFFICER ANTONIOLLI:   Okay.  
23          And, Mr. Harris, do you have any differing  
24          opinion or is that -- would you agree with

1 that they use a different type of plastic or  
2 thermoset plastic that's different from the  
3 type of plastic used in the --

4 THE WITNESS: In the resin, yes.

5 MS. SHARKEY: The resin ~~has been~~<sup>then, is</sup>  
6 essentially different?

7 MR. HARRIS: Uh-huh.

8 MR. RAO: But is the injection molding  
9 machine the same or is it just the raw  
10 material that's different or is the equipment  
11 different too?

12 MR. HARRIS: The equipment is slightly  
13 different, but we can get you the information  
14 of what the differences are.

15 MR. RAO: Okay. That would be  
16 helpful.

17 And you have provided a diagram of  
18 the PIM machine that's in Exhibit 1 and  
19 Exhibit 4. I had a question about where the  
20 VOM emissions occur, is it -- can you show us  
21 on the diagram?

22 MR. HARRIS: So the emissions would  
23 come -- in the PIM process?

24 MR. RAO: Yeah.

1 issue -- perhaps the other kind of question  
2 that comes up with handling is just this  
3 sloughing off of tiny particles <sup>in</sup> ~~and~~ the  
4 handling of these resin beads, and you're  
5 going to be getting some more information as  
6 best as we can find it.

7 We have to tell you we are looking  
8 for emission factors or something to help us  
9 with this because they really aren't out  
10 there and people are not focusing on these  
11 activities. We just want to make sure --  
12 we're all quite sure that the emissions we're  
13 going to find are very low because of their  
14 clean operations but ~~that~~ what we are looking  
15 for is a way to give you an understanding of  
16 something concrete and objective to  
17 understand that.

18 HEARING OFFICER ANTONIOLLI: Okay.

19 MR. RAO: In your prefiled testimony,  
20 Mr. Harris, you noted that there are like  
21 approximately 500 PIM facilities in  
22 Illinois --

23 MR. HARRIS: Yes.

24 MR. RAO: -- and I know you're going

1 these facilities need any other environmental  
2 permits other than the --

3 MR. HARRIS: Environmental permits,  
4 no.

5 MR. SHARKEY: Is your answer that  
6 you're not aware of that they do not?

7 MR. HARRIS: I'm not aware.

8 MR. RAO: Okay.

9 MR. SHARKEY: You know, if you've got,  
10 for example, they needed a storm water permit  
11 for activities on parking lots and  
12 construction and such, like any other  
13 facilities they would need it. I think that  
14 the answer is that there's no water involved  
15 in this process.

16 It would <sup>not</sup> require a water -- an  
17 NPDES or a sewer hookup permit that is  
18 specifically associated with plastic  
19 injection molding. Now, again, if the  
20 facility has other operations, they may have  
21 those types of permits.

22 MR. RAO: Is noise an issue with these  
23 machines?

24 MR. MELAS: Are they noisy?



1 MR. HARRIS: Uh-huh.

2 MR. RAO: I was just going over it and  
3 one other facility was in Glenview, Illinois,  
4 which is ranked No. 1, and it just gave, you  
5 know, the ranking based on the amount of  
6 money that they, you know, make or generate,  
7 so I was curious as to how big these  
8 facilities are and what their production  
9 capability is.

10 MR. HARRIS: Uh-huh.

11 MR. RAO: And I had one final question  
12 for Mr. Harris. This is about the emission  
13 factor summary chart that you have in  
14 Exhibit 9.

15 MR. HARRIS: Yes.

16 MR. RAO: In the summary chart, you  
17 have, you know, various types of resins that  
18 were tested and there was one under  
19 polypropylene for which I think it's  
20 homopolymers and the temperature was over  
21 600 degrees Fahrenheit?

22 MR. HARRIS: Yes.

23 MR. RAO: It was indicated as an  
24 ~~outlayer~~ <sup>outlier</sup> in one of the footnotes and I was

1 just curious to know whether -- is that like  
2 an ~~outlayer~~ <sup>outlier</sup> in the statistical sense or it's  
3 not generally -- that level of temperature is  
4 not typically used in your injection molding  
5 operations?

6 MR. HARRIS: Most the latter. As you  
7 can see from the table here, as you increase  
8 temperature, you get greater emissions  
9 regardless of what the resin is. Higher  
10 temperatures produce higher emissions and  
11 generally polypropylene is not processed at  
12 those temperatures, but we took it up that  
13 high just to see what the impact would be.

14 MR. RAO: Okay. Thank you. We look  
15 forward to your additional testimony.

16 Alisa, do you have any?

17 MS. LIU: (Indicating.)

18 HEARING OFFICER ANTONIOLLI: Okay. Do  
19 any of the witnesses or, Ms. Sharkey, do you  
20 have anything further at this time?

21 MS. SHARKEY: No, we don't. We're  
22 happy to provide the Board with additional  
23 information. We appreciate the questions.  
24 They've been very helpful for us to

CERTIFICATE OF SERVICE

I, Patricia F. Sharkey, an attorney, hereby certify that I have served the Chemical Industry Council of Illinois' Corrections to Transcript of July 1, 2005 Hearing upon:

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