

ILLINOIS POLLUTION CONTROL BOARD

July 15, 2009

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 04-16
)	(Enforcement- Air)
PACKAGING PERSONIFIED, INC., an)	
Illinois corporation,)	
)	
Respondent.)	
)	

HEARING REPORT

On June 29 and 30, 2009, a hearing in this matter was held at the City Hall, Council Room, 209 North York Street, Elmhurst, Illinois. Assistant Attorneys General Paula Becker Wheeler, Christopher J. Grant and L. Nichole Cunningham appeared and participated on behalf of the complainant. Attorneys Roy M. Harsch and Yesenia Villasenor-Rodriguez, appeared and participated on behalf of respondent, Packaging Personified, Inc.

Witness Credibility

Based upon my legal judgment, experience and observations at the hearing, I find that the credibility of the witnesses that testified at the hearing is not an issue in this matter.

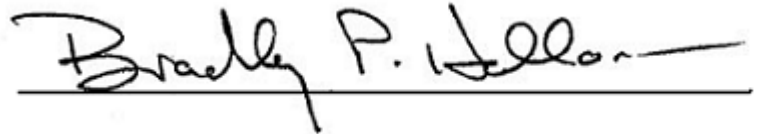
Exhibits

An exhibit list itemizing the offered exhibits and summarizing their status is attached to this order.

Briefing Schedule

A briefing schedule was discussed and agreed to subsequent the hearing. The complainant's post-hearing brief is due to be filed on or before August 21, 2009. The respondent's post-hearing brief is due to be filed on or before September 25, 2009. The complainant's reply, if any, is due to be filed on or before October 16, 2009. Public comment is due to be filed on or before August 3, 2009.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Bradley P. Halloran" followed by a horizontal line extending to the right.

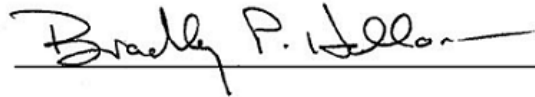
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
312.814.8917

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on July 15, 2009, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on July 15, 2009:

John T. Therriault
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601

A handwritten signature in black ink that reads "Bradley P. Halloran" with a horizontal line underneath.

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312.814.8917

PCB 2004-016
Paula Becker Wheeler
Office of the Attorney General
69 West Washington Street, Suite 1800
Chicago, IL 60602

PCB 2004-016
L. Nichole Cunningham
Office of the Attorney General
69 West Washington Street, Suite 1800
Chicago, IL 60602

PCB 2004-016
Roy M. Harsch
Drinker Biddle & Reath
191 N. Wacker Drive
Suite 3700
Chicago, IL 60606-1698

PCB 2004-016
Yesenia Villasenor-Rodriguez
Drinker Biddle & Reath
191 N. Wacker Drive
Suite 3700
Chicago, IL 60606-1698

PCB 2004-016
Lawrence W. Falbe
Drinker Biddle & Reath
191 N. Wacker Drive
Suite 3700
Chicago, IL 60606-1698

PCB 2004-016
Phyllis Muccianti
Packaging Personified, Inc.
246 Kehoe Boulevard
Carol Stream, IL 60188-1816

PCB 04-16
June 29 and 30, 2009

Exhibit List

Exhibit	Description	Status
Hearing Officer Exhibit 1	Stipulation	Admitted
Complainant's Exhibit 1	Letter dated August 30, 2004 from Rich Trzpek to Illinois Environmental Protection Agency (Agency)	Admitted
Complainant's Exhibit 2	Resume of David E. Bloomberg	Admitted
Complainant's Exhibit 3	Construction Permit issued to Packaging Personified August 13, 2003	Admitted
Complainant's Exhibit 4	Letter dated July 2, 1997 from Agency to Dominic Imburgia	Admitted
Complainant's Exhibit 5	Respondent Packaging Personified Response to Complainant's First Request for Admission of Facts and Genuineness of Documents	Admitted
Complainant's Exhibit 6	Letter dated October 29, 2003 from Ship & Shore to Packaging Personified	Admitted
Complainant's Exhibit 7	New Source Review Permit dated November 2, 2004 from Michigan Department of Environmental Quality Air Quality Division to Packaging Personified	Admitted
Complainant's Exhibit 8	Letter dated March 31, 2003 from Huff & Huff to complainant regarding VOM emissions testing	Admitted
Complainant's Exhibit 9	Letter dated June 28, 2002 from Packaging Personified to Agency	Admitted
Complainant's Exhibit 10	Letter dated November 21, 2008 from Gary Styzens to Alec Messina regarding Economic Benefit Analysis	Admitted
Complainant's Exhibit 11	Letter dated February 6, 2006 from Richard Trzpek to Agency	Admitted
Complainant's Exhibit 12	Letter dated March 4, 2003 from Richard Trzpek to Agency	Admitted
Complainant's Exhibit 13	Letter dated May 2, 2003 from Mark Steger to complainant	Admitted
Complainant's Exhibit 14	Portion of Hearing Transcript regarding Richard Trzpek testimony in AS 00-13	Admitted
Respondent's Exhibit 1	Resume of Richard Trzpek	Admitted
Respondent's Exhibit 2	Expert Report regarding VOM emissions dated February 3, 2009 from Richard	Admitted

	Trzupekta	
Respondent's Exhibit 3	Resume of Christopher McClure	Admitted
Respondent's Exhibit 4	Expert Report dated February 3, 2009 from Christopher McClure	Admitted
Respondent's Exhibit 4 A (Separate Black Binder)	Expert Report from Christopher McClure for use in PCB 04-16, including additional documents	Admitted
Respondent's Exhibit 5	Board Order in AS 00-13 dated January 18, 2001	Admitted
Respondent's Exhibit 6	Board Order in AS 00-12 dated January 18, 2001	Admitted
Respondent's Exhibit 7	Board Order in AS 00-11 dated January 18, 2001	Admitted
Respondent's Exhibit 8	Agency Memo dated June 6, 2001	Admitted
Respondent's Exhibit 9	Agency Inspection Report dated November 29, 2001	Admitted
Respondent's Exhibit 10	Violation Notice dated January 25, 2002 from the Agency to Daniel Imburgia	Admitted
Respondent's Exhibit 11	Letter dated March 19, 2002 from Mark Steger to Agency	Admitted
Respondent's Exhibit 12	Letter dated December 16, 2002 from Mark Steger to Agency	Admitted
Respondent's Exhibit 13	Annual Emissions Reports dated August 7, 2002 from Huff & Huff to Agency	Admitted
Respondent's Exhibit 14	CAAPP Application Completeness Determination dated July 3, 2002 from Agency to Packaging Personified	Admitted
Respondent's Exhibit 15	Not Offered	Not Offered
Respondent's Exhibit 16	Packaging Personified Title V Permit Application	Admitted
Respondent's Exhibit 17	Construction Permit Application dated March 4, 2003 from Richard Trzupek	Admitted
Respondent's Exhibit 18	Letter dated May 8, 2003 from Mark Steger to complainant	Admitted
Respondent's Exhibit 19	Letter dated May 2, 2003 from Mark Steger to complainant	Admitted
Respondent's Exhibit 20	Permit Denial dated June 2, 2003 from Agency to Packaging Personified	Admitted
Respondent's Exhibit 21	Letter dated March 31, 2003 from Huff & Huff to complainant	Admitted
Respondent's Exhibit 22	Not Offered	Not Offered
Respondent's Exhibit 23	Agency Memo dated May 27, 2003	Admitted
Respondent's Exhibit 24	Letter/Seasonal Emission Reports dated June 12, 2003 from Mark Steger to Agency	Admitted

Respondent's Exhibit 25	Agency Memo dated June 16, 2003	Admitted
Respondent's Exhibit 26	Construction Permit issued August 13, 2003	Admitted
Respondent's Exhibit 27	Letter dated October 29, 2003 from Ship & Shore to Packaging Personified	Admitted
Respondent's Exhibit 28	VOC Test results for Packaging Personified from ARI Environmental, Inc.	Admitted
Respondent's Exhibit 29	Agency draft review dated June 25, 2004	Admitted
Respondent's Exhibit 30	Not Offered	Not Offered
Respondent's Exhibit 31	Not Offered	Not Offered
Respondent's Exhibit 32	Letter dated August 20, 2004 from Huff & Huff to Agency – Yasmine Kepper	Admitted
Respondent's Exhibit 33	Letter dated August 30, 2004 from Huff & Huff to Agency-Yasmine Keppner	Admitted
Respondent's Exhibit 34	Letter dated August 30, 2004 from Huff & Huff to Agency- Donald Sutton	Admitted
Respondent's Exhibit 35	Letter dated October 11, 2004 from Huff & Huff to Yvonne Caswell	Admitted
Respondent's Exhibit 36	Letter dated October 15, 2004 from Huff & Huff to Yasmine Keppner	Admitted
Respondent's Exhibit 37	Letter dated October 19, 2004 from Agency to Joseph Imburgia	Admitted
Respondent's Exhibit 38	Letter dated October 26, 2004 from Agency to Joseph Imburgia	Admitted
Respondent's Exhibit 39	Letter/Application dated February 6, 2006 from Richard Trzupsek to Agency	Admitted
Respondent's Exhibit 40	Calculation Sheet/Application for Construction Permit dated May 2, 2006	Admitted
Respondent's Exhibit 41	Project Summary dated July 20, 2005 from Agency	Admitted
Respondent's Exhibit 42	Construction Permit from Agency issued October 10, 2006 for Packaging Personified	Admitted
Respondent's Exhibit 43	Letter dated June 11, 2007 from Mostardi Platt Environmental to Navigant Consulting regarding Packaging Personified	Admitted
Respondent's Exhibit 44	Letter dated June 15, 2007 from Ship & Shore to Packaging Personified	Admitted
Respondent's Exhibit 45	Agency Memo dated August 16, 2007 regarding Packaging Personified	Admitted
Respondent's Exhibit 46	Not Offered	Not Offered
Respondent's Exhibit 47	Not Offered	Not Offered
Respondent's Exhibit 48	Agency Request for Additional Information dated April 14, 2009	Admitted

Respondent's Exhibit 49	Letter dated May 13, 2009 from Mostardi Platt Environmental to Agency	Admitted
Respondent's Exhibit 50	Letter dated May 13, 2009 with attached documents from Packaging Personified to Agency	Admitted
Respondent's Exhibit 51	CD-R Disc	Admitted
Respondent's Exhibit 52	Emissions Summary	Admitted
Respondent's Exhibit 53	Not Offered	Not Offered
Respondent's Exhibit 54	Not Offered	Not Offered
Respondent's Exhibit 55	Expert Report Prepared by Richard Trzupek dated June 23, 2009	Admitted
Respondent's Exhibit 56	Permit Application dated June 28, 2002 from Packaging Personified to Agency	Admitted
Respondent's Exhibit 57	Notes/Control Cost Spreadsheet regarding Formel Industries	Admitted
Respondent's Group Exhibit 58 (3)	FESOP Permits for Formel Industries issued August 23, 2005; Aargus Plastics issued May 7, 2008; and CAAPP and Title I Permit for Aargus Plastics issued February 10, 2000	Admitted