

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
)  
REASONABLY AVAILABLE CONTROL ) R 10-20  
TECHNOLOGY (RACT) FOR VOLATILE ) (Rulemaking – Air)  
ORGANIC MATERIAL EMISSIONS FROM )  
GROUP IV CONSUMER & COMMERCIAL )  
PRODUCTS: PROPOSED AMENDMENTS )  
TO 35 ILL. ADM. CODE 211, 218, AND 219)

**NOTICE OF FILING**

TO: Mr. John T. Therriault	Timothy J. Fox, Esq.
Assistant Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	100 West Randolph Street
Suite 11-500	Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
<b>(VIA ELECTRONIC MAIL)</b>	<b>(via U. S. Mail)</b>

**(SEE PERSONS ON ATTACHED SERVICE LIST)**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board **POST-HEARING COMMENTS OF THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP**, on behalf of the Illinois Environmental Regulatory Group, a copy of which is herewith served upon you.

Respectfully submitted,

Dated: June 4, 2010

By: /s/ Alec M. Davis  
Alec M Davis

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Monica T. Rios  
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**POST-HEARING COMMENTS OF THE  
ILLINOIS ENVIRONMENTAL REGULATORY GROUP**

NOW COMES the ILLINOIS ENVIRONMENTAL REGULATORY GROUP (“IERG”),  
by and through its attorneys, Alec M. Davis, and HODGE DWYER & DRIVER, and hereby  
submits the following comments in the above described matter.

**I. INTRODUCTION**

IERG would like to thank the Illinois Pollution Control Board (“Board”) for the  
opportunity to provide these comments, and thank the Illinois Environmental Protection Agency  
 (“Agency”) for its willingness to work with IERG and the individual members of the regulated  
community to ensure that the proposal reflects what is reasonably available, considering  
technological and economic feasibility.

IERG supports the amendments contained in the Agency’s May 17, 2010 Motion to  
Amend Rulemaking Proposal (“Motion”), as they pertain to the issues raised by IERG at hearing,  
and would encourage the Board to grant the Agency’s Motion prior to proceeding to Second  
Notice. Motion to Amend Rulemaking Proposal, *In the Matter of: Reasonably Available Control  
Technology (RACT) for Volatile Organic Material Emissions from Group IV Consumer &  
Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219, R10-20*

(Ill.Pol.Control.Bd. May 17, 2010). IERG would also recommend a change to the proposal, as would be amended by the Motion, as further described below.

## **II. USE OF FORMULATION DATA**

At hearing, IERG inquired whether the Agency would be willing to consider allowing the use of formulation data to calculate the VOM content of miscellaneous industrial adhesives, as an alternative to requiring testing. Transcript, *In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219*, R10-20 at 16-17 (Ill.Pol.Control.Bd. April 28, 2010) (hereafter cited as "Tr."). The recommended language amending Section 218.902(b)(1) and Section 219.902(b)(1) appears to be substantially identical to the existing provisions contained in Section 218.105(a)(2), that allow the use of formulation data to determine the composition of coatings, inks, or fountain solutions. See Motion at 1-2 and 35 Ill. Admin. Code § 218.902(b)(1).

The option for the use of formulation data will provide subject sources with additional flexibility to demonstrate compliance, without compromising the integrity of the regulations. Accordingly, IERG supports the Agency's recommended amendments concerning the use of formulation data.

## **III. RECORDKEEPING AND REPORTING FOR EXEMPT UNITS**

At hearing, IERG initiated a series of questions to clarify whether, or to what extent, the proposal imposed recordkeeping or reporting requirements on sources exempted from Subpart JJ on the basis of their combined VOM emissions from miscellaneous industrial adhesive application operations never equaling or exceeding 6.8 kg/day (15 lbs/day). Tr. at 11-15. The Agency's Motion seeks to resolve the uncertainty by explicitly specifying the records required to

be kept by such exempted sources. Motion at 2-4. IERG is generally satisfied with the regulatory clarity provided by the Agency's amendment, but has some concern with the administrative burden imposed by requiring daily retention of records. The Agency's amendment would impose a daily recordkeeping obligation on exempted sources, in order to ensure compliance with a requirement that is calculated on a calendar month basis. *See Proposed Sections 218.904(a)(1)(B) and 219.904(a)(1)(B)*. IERG believes that the intent of the requirement could be satisfied with less onerous monthly recordkeeping, and therefore requests that the Board consider amending Sections 218.904(a) and 219.904(a) as follows:

Section 218/219.904 Recordkeeping and Reporting Requirements

a)

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- 2) Collect and record the following information each ~~day~~month for each miscellaneous industrial adhesive application operation, maintain the information at the source for a period of three years, and provide the information to the Agency upon request:
  - A) The name and identification number of each adhesive as applied by each miscellaneous industrial adhesive application operation; and
  - B) The weight of VOM per volume and the volume of each adhesive (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each ~~day~~month by each miscellaneous industrial adhesive application operation;<sup>1</sup>

IERG has discussed the issue with the Agency, and understands that the Agency is supportive of the Board adopting the above described changes.

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<sup>1</sup> The proposed language reflects changes to the proposal as it would be amended, should the Board grant the Agency's Motion.

**IV. CONCLUSION**

IERG is appreciative of the opportunity to provide these comments in this matter. IERG would encourage the Board to adopt the amendments sought by the Agency in its Motion, as described above, and as modified to only require monthly recordkeeping of sources exempted from the proposed Subpart JJ on the basis of their emissions not exceeding the specified threshold. IERG would also like to thank the Agency for its outreach in the proposal's development, and its willingness to continue to work with the regulated community.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
REGULATORY GROUP

Dated: June 4, 2010

By: /s/ Alec M. Davis  
Alec M Davis

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IERG:001/R Docket/R10-20/IERG Post Hearing Comments

**CERTIFICATE OF SERVICE**

I, Alec M. Davis, the undersigned, hereby certify that I have served the attached  
POST-HEARING COMMENTS OF THE ILLINOIS ENVIRONMENTAL  
REGULATORY GROUP upon:

Mr. John T. Therriault  
Assistant Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

via electronic mail on June 4, 2010; and upon:

Virginia I. Yang, Esq.  
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by depositing said documents in the United States Mail, postage prepaid, in Springfield,  
Illinois on June 4, 2010.

/s/ Alec M. Davis  
Alec M. Davis