

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
ORGANIC MATERIAL EMISSION) R06-21
STANDARDS AND LIMITATIONS FOR) (Rulemaking – Air)
THE CHICAGO AND METRO-EAST)
AREAS: PROPOSED AMENDMENTS)
TO 35 ILL. ADM. CODE 218 AND 219)

NOTICE OF FILING

TO: Ms. Dorothy M. Gunn John C. Knittle, Esq.
Clerk of the Board Hearing Officer
Illinois Pollution Control Board Illinois Pollution Control Board
100 West Randolph Street 2125 South First Street
Suite 11-500 Champaign, Illinois 61820
Chicago, Illinois 60601 **(VIA FIRST CLASS MAIL)**
(VIA ELECTRONIC MAIL)

(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 an **ENTRY OF APPEARANCE OF N. LADONNA DRIVER** and **COMMENTS OF THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP IN SUPPORT OF PROPOSED AMENDMENTS TO 35 ILL. ADMIN. CODE 218 AND 219** on behalf of the Illinois Environmental Regulatory Group, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
REGULATORY GROUP,

By: /s/ N. LaDonna Driver
One of Its Attorneys

Dated: June 14, 2006

N. LaDonna Driver
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

CERTIFICATE OF SERVICE

I, N. LaDonna Driver, the undersigned, hereby certify that I have served the attached **NOTICE OF FILING, ENTRY OF APPEARANCE OF N. LADONNA DRIVER** and **COMMENTS OF THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP IN SUPPORT OF PROPOSED AMENDMENTS TO 35 ILL. ADMIN. CODE 218 AND 219** upon:

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

via electronic mail on June 14, 2006; and upon:

Kimberly A. Geving, Esq.,
Assistant Counsel
Annet Godiksen, Esq., Legal Counsel
Illinois Environmental Protection Agency
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Illinois Department of Natural Resources
One Natural Resources Way
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John C. Knittle, Esq.
Hearing Officer
Illinois Pollution Control Board
2125 South First Street
Champaign, IL 61820

by depositing said documents in the United States Mail, postage prepaid, in Springfield,
Illinois, on June 14, 2006.

/s/ N. LaDonna Driver

N. LaDonna Driver

IERG:001/R Dockets/Fil/COS – R06-21 – Comments – Rulemaking NLD

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ENTRY OF APPEARANCE OF N. LADONNA DRIVER

NOW COMES N. LaDonna Driver, of the law firm of HODGE DWYER
ZEMAN, and hereby enters her appearance in this matter on behalf of the Illinois
Environmental Regulatory Group.

Respectfully submitted,

By: /s/ N. LaDonna Driver
N. LaDonna Driver

Dated: June 14, 2006

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COMMENTS OF THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP IN SUPPORT OF PROPOSED AMENDMENTS TO 35 ILL. ADMIN. CODE 218 AND 219

NOW COMES the ILLINOIS ENVIRONMENTAL REGULATORY GROUP (“IERG”), by and through its attorneys, HODGE DWYER ZEMAN, and provides the following comments in support of the proposed amendments to 35 Ill. Admin. Code Parts 218 and 219.

I. INTRODUCTION

IERG is a not-for-profit Illinois corporation comprised of 55 member companies engaged in industry, commerce, manufacturing, agriculture, trade, transportation or other related activities regulated by governmental agencies that promulgate, administer or enforce environmental laws, regulations, rules or other policies. IERG was organized to promote and advance the interests of its members before governmental agencies such as the Illinois Environmental Protection Agency (“Illinois EPA”) and the Illinois Pollution Control Board (“Board”). IERG is also an affiliate of the Illinois State Chamber of Commerce, which has more than 5,000 members in the State. A number of IERG member companies conduct activities governed by the regulations set forth in 35 Ill. Admin. Code Parts 218 and 219. IERG would like to thank the Board for the opportunity

to make the following comments in support of the proposed amendments to Parts 218 and 219.

II. SUMMARY OF PROPOSAL

The Illinois EPA is proposing to revise its cold cleaning degreaser rules in the Chicago and Metro-East nonattainment areas by making parallel changes to 35 Ill. Admin. Code §§ 218.182(c) and (d), and 219.182(c) and (d). The purpose of the amendments is to allow the use of add-on controls or the use of equivalent alternative control plans as compliance options for the cold cleaning solvent degreasing operations in these two nonattainment areas. Additional corresponding revisions concern solvent sale, solvent use, add-on control testing, recordkeeping and reporting.

III. COMMENTS SUPPORTING PROPOSED AMENDMENTS

IERG reviewed the proposed rulemaking in this proceeding and raised a few minor points of clarification with the Illinois EPA that have subsequently been addressed in errata sheets. With those clarifications, IERG believes that the proposed amendments to the cold cleaning degreaser requirements should be adopted.

IERG supports the R06-21 proposal because it returns a choice of compliance options to cold cleaning degreaser operations, a sound revision to current rules. Three compliance options will be available, if the R06-21 proposal is adopted: (1) The existing requirement of using solvent with a vapor pressure of less than 1.0 mmHg; (2) the new compliance option of add-on controls; and (3) the new compliance option of an equivalent alternative control plan. Proposed 35 Ill. Admin. Code §§ 218.182(c) and 219.182(c). Providing these compliance options is justified historically, environmentally, technically and economically, as discussed below.

Cold cleaning degreaser operations historically were provided with compliance options, including the option to use add-on controls. As noted in the Illinois EPA's Technical Support Document, the original Reasonable Available Control Technology ("RACT") I regulations affecting solvent degreasing allowed the use of add-on controls such as carbon adsorbers, if approved by the Illinois EPA. Illinois EPA Technical Support Document ("TSD") at 20-21 (Exhibit A to written testimony of Gary E. Beckstead – labeled as Exhibit 2 at the April 19, 2006 hearing); *see also* 35 Ill. Admin. Code § 218.182(b)(3).

When the revisions to the cold cleaning degreaser regulations were adopted in 1997, the rules lowered the allowed solvent vapor pressure. However, the 1997 revisions did not include the option of add-on controls for operations with solvents that did not comply with the new vapor pressure standards. Transcript of April 19, 2006 Hearing in R06-21 ("April 19 Tr.") at 20. Evidently, some sources continued to operate with add-on controls, assuming they still had the add-on control option for compliance with the lower vapor pressure standards. April 19 Tr. at 39.

This proposed rulemaking rightly restores the option of add-on controls and adds the equivalent alternative control plan option, while remaining consistent with the intent of the 1997 revisions to reduce volatile organic material ("VOM") emissions in the nonattainment areas. The proposed amendments require that add-on controls demonstrate at least 95% overall capture and control of emissions and require that total process emissions be equivalent to using the specified lower vapor pressure solvents, if using an equivalent alternative control plan. Proposed 35 Ill. Admin. Code §§ 218.182(c)(4), 219.182(c)(4).

Mr. Gary Beckstead, of the Illinois EPA, stated in his testimony at the April 19, 2006 hearing, that the emissions from sources using add-on controls for solvents with vapor pressures greater than the prescribed limit, are less than emissions would be if the sources used solvents with the prescribed vapor pressures (and no add-on controls). April 19 Tr. at 10. Thus, these proposed amendments provide a benefit to the environment. Further, Mr. Beckstead elaborated that “[m]eeting the control efficiency level recommended in the proposed amendments will assure the integrity of the 1999-2002 Rate of Progress (“ROP”) Plan” Pre-filed Written Testimony of Gary E. Beckstead at 2 (March 8, 2006).

As the Illinois EPA noted at the hearing and in its TSD, the technical feasibility of add-on controls for emissions from cold cleaning processes is already being demonstrated. TSD at 6-7. Further, a source should be allowed to examine its unique circumstances to determine the best way to allocate resources toward environmental compliance. The Illinois EPA’s technical analysis discusses how, in certain cases, requiring sources to switch to low vapor pressure solvents could create unwanted hazardous waste, quality problems, and inefficiencies. TSD at 14. The Illinois EPA found that sources using add-on controls recycle the solvent used in the cold cleaning operations, thereby reducing solvent purchases, solvent waste and operating costs. TSD at 13. Therefore, requiring the use of low vapor pressure solvents can require substantial cost increases and operational changes. These increased costs are particularly unnecessary where the use of controls can result in lower emissions than if compliant solvents were used.

Additionally, without the adoption of these proposed compliance options, some affected facilities would seek an adjusted standard or site-specific rule, in lieu of switching to the low vapor pressure solvents. April 19 Tr. at 11. The Illinois EPA should be commended for recognizing that adoption of the compliance options in the proposal will eliminate the burdensome time and financial investments necessary for facilities to seek adjusted standards or site-specific rules.

IV. CONCLUSION

IERG reiterates its support of the rulemaking changes proposed in R06-21. As discussed above, the compliance options provided by this rulemaking are justified historically, environmentally, technically and economically. Therefore, IERG urges the Board to adopt the proposed revisions to the cold cleaning requirements.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
REGULATORY GROUP,

By: /s/ N. LaDonna Driver
One of Its Attorneys

Dated: June 14, 2006

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