

ILLINOIS POLLUTION CONTROL BOARD
MAY 19, 2010

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STATE OF ILLINOIS
Pollution Control Board

REASONABLY AVAILABLE CONTROL)
TECHNOLOGY FOR VOLATILE)
ORGANIC MATERIAL EMISSIONS)
FROM GROUP 4 CONSUMER AND)
COMMERCIAL PRODUCTS PROPOSED)
AMENDMENTS TO 35 ILLINOIS)
ADMINISTRATIVE CODE 211,)
218 AND 219.)

R10-20

REPORT OF PROCEEDINGS at the hearing of
the above-entitled cause before Timothy J. Fox,
Hearing Officer, taken before Steven J. Brickey,
Certified Shorthand Reporter within and for the
County of Cook and State of Illinois, at the
Thompson Center, Room 11-512, Chicago, Illinois,
commencing at the hour of 10:00 a.m. on the 19th
day of May, A.D., 2010.

A P P E A R A N C E S:

ILLINOIS POLLUTION CONTROL BOARD

BY: MR. TIMOTHY J. FOX

MR. THOMAS E. JOHNSON

MR. ANAND RAO

MS. ANDREA S. MOORE

MS. CARRIE K. ZALEWSKI

MR. GARY L. BLANKENSHIP

James T. Thompson Center

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

BY: MR. RORY DAVIS

MS. DANA VETTERHOFFER

1021 North Grand Avenue East

P.O. Box 19276

Springfield, Illinois 62794

(217) 782-5544

ALSO PRESENT: MR. ROBERT D. RAYMOND

MR. PHILIP L. SUTTON

MR. DAVID HALCOMB

MR. STEVEN ANDERSON

MS. KATHRYN HODGE

REPORTED BY:

Steven J. Brickey, CSR

CSR License No. 084-004675

1 MR. FOX: Good morning, everyone,
2 and welcome to this Illinois Pollution Control
3 Board hearing. My name is Tim Fox and I'm the
4 hearing officer for this rulemaking proceeding
5 which is entitled, quote, Reasonably Available
6 Controlled Technology, or RACT, For Volatile
7 Organic Material Emissions From Group 4 Consumer
8 and Commercial Products Proposed Amendments to 35
9 Illinois Administrative Code 211, 218 and 219.

10 I want to introduce present
11 today also from the board. At my immediate left
12 is board member Andrea Moore who is the lead board
13 member in this rulemaking docket. To her left is
14 Board Member, Carrie Zalenski. To Member
15 Zalenski's left is Board Member Gary Blankenship.
16 To my right is Anand Rao of the Board's technical
17 staff.

18 The board docket number for this
19 rule making is R10-20. On March 8, 2010, the
20 Illinois Environmental Protection Agency filed
21 this proposal under the Fast Track rulemaking
22 provision at Section 28.5 of the Illinois
23 Environmental Protection Act. The Board accepted
24 proposal for hearing in an order dated March 18th

1 of 2010.

2 I do want to note for the record
3 very briefly that on Monday, May 17th, 2010, the
4 agency filed in addition to its post hearing
5 comments a motion to amend its own rulemaking
6 proposal. That motion was directed to the Board
7 and because the 14-day response deadline has not
8 yet run there will be no ruling on that motion
9 here today, but the Board will certainly address
10 it after the end of that 14-day response period
11 has run. Today, we are, of course, holding the
12 second hearing in this docket under Section
13 28.5(f)1 of the Act. The Board received two
14 requests to hold this hearing as it had been
15 scheduled. The first on May 4th, 2010, from the
16 Illinois Environmental Protection Agency and the
17 second on May 5th, 2010, from the American
18 Coatings Association.

19 The first hearing did take place
20 on April 28th, 2010, in Springfield and a third
21 hearing is now scheduled to take place on June
22 2nd, 2010, in Chicago. Under Section 28.5(g)2 of
23 the Environmental Protection Act this second
24 hearing, quote, shall be devoted to presentation

1 of testimony, documents and comments by affected
2 entities and all other interested parties, close
3 quote.

4 Also, under Section 28.5 of the
5 Act, quote, the Board must require the written
6 submission of all testimony at least 10 days
7 before a hearing, close quote. On May 7th of
8 2010, the Board received pre-filed testimony for
9 this hearing first from the American Coatings
10 Association and second separately from the Olin
11 Corporation.

12 In order to expedite the
13 hearings, the Act allows the pre-filed testimony
14 to be accepted into the record at this hearing
15 without actually reading it provided that the
16 witness is present to swear to the testimony and
17 is available for questions. Accordingly, we will
18 begin this hearing with the pre-filed testimony
19 that has been submitted. It was agreed informally
20 and off the record before the hearing in
21 addressing procedural issues that we would begin
22 with the testimony of the Olin Corporation and
23 then turn to any questions on the basis of that
24 testimony before addressing the Coatings

1 Association's pre-filed testimony and any
2 questions based upon that.

3 I do want to note that under
4 Section 102306(d) of the Board's procedure rules
5 which specifically address these fast-track
6 proceedings, quote, participants who do not
7 pre-file testimony will be allowed to testify if
8 time remains in the hearing day.

9 I want to note that appearing
10 today is Mr. Robert Raymond of RayVac who has
11 indicated that he has testimony that he would like
12 to provide the Board and would be available for
13 questions on the basis of that testimony and we
14 can turn to Mr. Raymond at the conclusion of the
15 pre-filed testimony that the Board has received
16 for this hearing. Before beginning the hearing, I
17 placed just inside the door a sheet on which
18 persons could indicate that they wish to testify
19 if they had not pre-filed testimony and I think I
20 can see very clearly that there is not any
21 additional signature on it so that we have a
22 single witness, Mr. Raymond, who would like to
23 testify today without having pre-filed.

24 As time permits after the

1 conclusion of any testimony and the questions
2 based upon it, participants may offer a public
3 comment as well. I do want to note generally that
4 this proceeding is governed, of course, by Section
5 28.5 of the Act and the Board's procedural rules.
6 All information that is relevant and that is not
7 repetitious or privileged will be admitted into
8 the record and I would ask you to note that any
9 questions by the Board members or the Board staff
10 are solely intended to develop a clear record and
11 aren't to be interpreted as reflecting any
12 prejudgment or predetermination on the proposal.

13 I would ask finally for the
14 benefit of our court reporter that you speak
15 clearly so that he may make a transcript as easily
16 as possible and to avoid speaking at the same time
17 as any other person. Probably unnecessary advice
18 for the people in this room. Before we turn to
19 the substance of the hearing, are there any
20 questions about our procedure or order of business
21 this morning? Very good.

22 Mr. Sutton, I think according to
23 that order of proceedings that we had discussed
24 that we are ready to proceed to the pre-filed

1 testimony of the Olin Corporation and any
2 questions that it generates. As I noted, that is
3 in the record as if it had been read and if you'd
4 like to begin with a brief statement or any other
5 introduction, perhaps we could go to questions
6 fairly quickly.

7 MR. SUTTON: Okay.

8 MR. FOX: Let me ask first,
9 Mr. Sutton -- I'm sorry. We should have the court
10 reporter swear you in before you go any further.

11 WHEREUPON:

12 PHILIP SUTTON

13 called as a witness herein, having been first duly
14 sworn, deposeth and saith as follows:

15 E X A M I N A T I O N

16 MR. FOX: Mr. Sutton, thank you very
17 much. Please go ahead.

18 MR. SUTTON: Well, we have -- in our
19 pre-filed testimony, we have discussed issues
20 relating to the regulation of our materials and
21 sealants that we place on ammunition. Since that
22 filing of our testimony we have been in
23 discussions with the agency and we think that --
24 the revised amended regulation addresses our

1 concerns on the cap sealant and the mouth
2 waterproofing sealants and we are -- appreciate
3 the Agency's effort to work with us on that
4 behalf. However, the primer sealants and ejection
5 cartridge sealants we still believe that the
6 Agency's intention to regulate those under subpart
7 TT is as we had suggested or requested in our
8 testimony, but we don't feel that the amended
9 regulation completely addresses those concerns
10 that we had for the ejection cartridge sealants
11 and the primer sealants so that those sealants may
12 still be classified under the other category or
13 under the military specification category, and we
14 have been in discussion with the Agency since then
15 in trying to work out that particular issue for
16 the ejection cartridge sealants and primer
17 sealants.

18 MR. FOX: And it sounds like that
19 may conclude your remarks, Mr. Sutton?

20 MR. SUTTON: Yes.

21 MR. FOX: Very good. If you're
22 prepared to do so, we can certainly turn to any
23 questions that the IEPA or others may have. Is it
24 a good time to do that?

1 MR. SUTTON: Yes.

2 MR. FOX: Very good. I would ask if
3 anyone would like to pose a question to please
4 indicate that you would like to be recognized and
5 particularly the first question you ask if you
6 would provide your name, any complicated spellings
7 and any affiliation or representation that might
8 have brought you here today. Does anyone have any
9 questions for Mr. Sutton based on his pre-filed
10 testimony or his statement here this morning?
11 Ms. Vetterhoffer?

12 MS. VETTERHOFFER: Dana
13 Vetterhoffer. Assistant counsel for Illinois EPA.
14 I just have one quick question. Mr. Sutton, you
15 eluded to the fact that your company and the
16 Agency are basically conceptually on the same page
17 about the changes that are necessary that were
18 expressed in your testimony. Are you willing to
19 continue working with the Agency to make sure that
20 the rule reflects that understanding that we have?

21 MR. SUTTON: Yes, we are.

22 MS. VETTERHOFFER: That's all.

23 MR. FOX: Very good. Anything
24 further, Ms. Vetterhoffer, on the part of the

1 Agency?

2 MS. VETTERHOFFER: No.

3 MR. FOX: Are there any other
4 questions for Mr. Sutton on the basis of his
5 testimony? Neither seeing nor hearing -- I
6 correct myself. Mr. Rao, please.

7 MR. RAO: Mr. Sutton, you just
8 mentioned that the changes proposed by the Agency
9 in their motion to amend doesn't completely
10 address your concerns. Do you care to elaborate a
11 little bit more about why those changes do not
12 address your concerns?

13 MR. SUTTON: If you refer to the
14 Agency amended filing, the Agency added a new
15 definition for ammunition sealant under Section
16 211.481 and that definition of ammunition sealant
17 specifically said that primer sealants and
18 ejection cartridge sealants were not included
19 within this category. So the Agency also added
20 definitions for ejection cartridge sealant and
21 primer sealant. The ejection cartridge sealant
22 under Section 211.1872 said that ejection
23 cartridge sealant means for the purposes of
24 35 IAC 218 204(q)1 and 219 a sealant applied

1 during the assembly of an ejection cartridge to
2 provide mouth waterproof barrier between a shell
3 case and primer and between a shell case and a
4 nitrocellulose slide and also in the -- under
5 primer sealant under their proposed 211.5075 it
6 said it was a sealant applied in the manufacture
7 of ammunition to assemble primers to maintain the
8 primer assembly and preventing explosive priming
9 mix from gusting during transfer of primers, and
10 our concern is that in previous actions, the
11 Agency has interpreted as -- called the primer
12 sealants and ejection cartridge sealants coatings
13 more specifically under R94-17. In our final
14 settlement agreement, the Agency defined these
15 ejection cartridge sealants and primer sealants as
16 coating even though Olin objected to that finding.

17 So what it appears could happen
18 if they're still defined as coatings they would be
19 coatings, but they wouldn't be under the military
20 specification coating, but they could still
21 possibly be a coating classified -- well, they
22 could be -- excuse me. They wouldn't be an
23 ammunition sealant, but they still could be
24 classified as a coating under the military

1 specification or all other coating categories.

2 So our concern is that the
3 primer sealants and ejection cartridge sealants
4 could still have a potential path that someone
5 could interpret them as coatings and they would be
6 regulated under the 204(q)1 regulations.

7 MR. RAO: Okay. So you're expecting
8 the Agency to add specific language in the rule to
9 ensure that there won't be any misinterpretation
10 of this sealant category, is that what you're
11 looking for?

12 MR. SUTTON: Right. In their post
13 hearing comments in a question that was asked at
14 the previous hearing under item four of that post
15 hearing comments it said -- they said the Agency
16 does not intend military specification coating to
17 include the sealants and ammunition manufacturing.
18 Primer sealants used in ammunition manufacturing
19 are currently regulated under subpart TT of parts
20 218 and 219 and the Agency intends that they
21 continue to be regulated as such.

22 So based on that statement we
23 are going forward with the Agency to workout the
24 details to accomplish that goal.

1 MR. RAO: Thank you for the
2 clarification.

3 MR. FOX: Very good. Mr. Rao has
4 indicated he doesn't have any other questions. Is
5 there anyone else who would like to pose a
6 question to Mr. Sutton this morning? Neither
7 seeing nor hearing any, Mr. Sutton, please accept
8 our thanks for your time and your information and
9 we appreciate it very much.

10 MR. SUTTON: Thank you.

11 MR. FOX: That leads us to
12 Mr. Halcomb who is, of course, here on behalf of
13 the Paint and Coating Associations and pursuant to
14 the pre-filed testimony that the Board received
15 from that organization on May 7th it would appear
16 to be in order. Mr. Halcomb, we will have the
17 court reporter swear you in so we move along.

18 MR. HALCOMB: Okay.

19 WHEREUPON:

20 DAVID HALCOMB
21 called as a witness herein, having been first duly
22 sworn, deposeth and saith as follows:

23 E X A M I N A T I O N

24 MR. FOX: Very good. Mr. Halcomb,

1 as we had noted before this pre-filed testimony is
2 admitted into the record as if you had read it
3 here this morning. If you would like to proceed
4 with any kind of a statement or introduction, we
5 would perhaps, again, turn quickly to questions
6 that people may have for you.

7 MR. HALCOMB: I was asked to bring
8 another copy for the record.

9 MR. FOX: Would it be your wish to
10 introduce that as an exhibit at this hearing?

11 MR. HALCOMB: Yes.

12 MR. FOX: Very good. I will
13 interpret that as a motion to admit the pre-filed
14 testimony of the Paint and Coating Association as
15 what will be Hearing Exhibit Number 2. Is there
16 any objection to doing so? Neither seeing nor
17 hearing any it will be admitted into the record as
18 Hearing Exhibit Number 2 in this docket and, Mr.
19 Halcomb, thank you for providing that and please
20 go ahead.

21 (Document marked as Hearing
22 Exhibit No. 2 for
23 identification.)

24 MR. HALCOMB: I'd also like to

1 provide a copy of the testimony I'm going to read
2 to you today. Does that need to be entered as an
3 exhibit also?

4 MR. FOX: Why don't we go ahead. If
5 you have a copy.

6 MR. HALCOMB: I do.

7 MR. FOX: If you could take just a
8 moment and show that especially to the Agency, I
9 will interpret your production of that as a motion
10 to admit that as what would be, of course, Exhibit
11 Number 3 in this proceeding and perhaps to be fair
12 to the Agency what we could do is have Mr. Halcomb
13 proceed to address the statement that he has made.
14 We can reserve ruling on the motion to admit and
15 see if the Agency or any of the other
16 participants, of course, would have any objection
17 at the conclusion of what he has to say. Very
18 good. Mr. Halcomb, rather than delaying any
19 further, why don't we go ahead and have you make
20 your statement and then we can proceed with
21 questions.

22 MR. HALCOMB: Thank you.

23 MR. FOX: Surely.

24 MR. HALCOMB: My name is David

1 Halcomb. I am senior vice president of Global
2 Awlgrip Business Development based in Waukegan,
3 Illinois. The Awlgrip brand is an undisputed
4 world leader in the Yacht Professional Topsides
5 coatings sector. Within the pleasure craft
6 industry, the reputation of Awlgrip is one of
7 universal trust and respect. This reputation has
8 been built upon consistent, technical innovation,
9 stringent quality controls and the superlative
10 finish of Awlgrip products. We have long
11 represented the standard against which others are
12 measured.

13 After graduating from the
14 University of North Carolina in 1972, I joined the
15 US Coast Guard and began my career with Awlgrip in
16 1973. Generally, in the 1990s I had some
17 involvement with the regulatory work of the SCAQMD
18 California on Rule 1106.1. I'm here today on
19 behalf of Mr. James Sell, senior counsel of the
20 American Coatings Association.

21 Although Mr. Sell is unable to
22 participate in today's proceeding, he has
23 previously submitted written testimony, the
24 "NPCA/FSCT Comments on the Inclusion of South

1 Coast Rule 1106.1 as RACT for Coating of Pleasure
2 Craft (and Associated Parts and Products) into
3 Final CTG for Miscellaneous Metal and Plastic
4 Parts" in connection with Illinois Proposal to
5 Adopt the Pleasure Craft Provision of EPA CTG,
6 Case Number R10-20 as Proposed Amendments to 35
7 Illinois Administrative Code 211, 218 and 219.
8 For the sake of brevity, the "EPA Control
9 Technique Guideline for Miscellaneous Metal and
10 Plastic Parts will be subsequently referred to as
11 "the EPA CTG ".

12 With reference to Mr. Sell's
13 written testimony the following points are offered
14 for the Board's consideration. Number one,
15 Pleasure Craft provisions of the EPA CTG do not
16 represent Reasonably Available Control Technology
17 or RACT for this industry sector. The draft EPA
18 CTG does not mention pleasure craft surface
19 coating operations. The EPA introduced the
20 language of South Coast Air Quality Management
21 Division Rule 1106.1 "Pleasure Craft Coating
22 Operations" into the final EPA CTG. This was
23 apparently done with concern that pleasure craft
24 service coating operations might otherwise be

1 subject to the various general categories and more
2 restrictive VOC limits for Miscellaneous Metal
3 Parts and Products (based on SCAQMD Rules 1107 and
4 1125) and Miscellaneous Plastic Parts and Products
5 (based on SCAQMD Rule 1145 and Michigan Rule
6 336.1632.)

7 However, there was no
8 opportunity for the pleasure craft industry to
9 provide comments on this EPA action. Had that
10 opportunity been extended, the pleasure craft
11 industry would have provided the following reasons
12 to support our contention that the SCAQMD Rule
13 1106 does not represent RACT.

14 Number one, the VOC limits in
15 the SCAQMD Rule 1106.1 are too restrictive to
16 allow coating manufacturers to formulate products
17 that meet the VOC limits while also meeting
18 customers esthetic requirements and maintaining
19 adequate technical performance.

20 As a result pleasure craft
21 manufacturers relocated from the South Coast areas
22 to other locations in the US. The compliance
23 states in the SCAQMD Rule 1106.1 and the EPA CTG
24 do not provide sufficient time for the coatings

1 manufacturers to formulate products that comply
2 with the restrictive VOC limits while also meeting
3 the technical performance and esthetic
4 requirements of pleasure craft manufacturers and
5 owners. An example is antifouling coatings which
6 must be registered as biocidal products under the
7 Federal Insecticide, Fungicide and Rodenticide Act
8 and corresponding state programs. This process
9 can add years to the Actual development of
10 performance testing of new VOC antifouling
11 coatings.

12 Number three, SCAQMD Rule
13 1106.1, like other SCAQMD rules, was developed to
14 adopt to deal with the severe ozone non-attainment
15 conditions in the South Coast Air Basin. These
16 conditions are not experienced in areas of
17 California and US and thus the provisions of South
18 Coast regulations should not be identified as
19 "RACT" for other areas.

20 Even in the State of California,
21 only five other districts have found the need to
22 introduce rules to regulate pleasure craft surface
23 coating operations. These rules differ from
24 SCAQMD Rule 1106.1 in varying degrees.

1 Number five, SCAQMD Rule 1106.1
2 was adopted in 1992. Since then, there have been
3 developments in the marine and pleasure craft
4 industry that provide the basis for revised VOC
5 limits for some coating categories and the
6 introduction of new categories and VOC limits for
7 other coatings. An example of the new category of
8 "Antifouling Sealer/Tie Coat" to allow the use of
9 non-biocidal coatings that comply with Annex 1 of
10 the International Maritime Organization
11 Antifouling Systems Convention, which is commonly
12 referred to as IMO-FAS, which was written in 2001.

13 Development of RACT that is
14 appropriate for Pleasure Craft Surface Coating
15 operations should address the following points.
16 Number one, consideration of an "Averaging
17 Approach" as an alternative compliance option.
18 This approach is successfully used in Europe to
19 provide flexibility to coating manufacturers and
20 end-use customers to provide VOC emission
21 reductions while minimizing adverse economic and
22 productivity impacts on each affected facility.

23 Number two, provide appropriate
24 time until the final compliance date to allow the

1 development, testing and commercial introduction
2 of low VOC pleasure craft coatings. Rushing
3 product into this market has the potential for
4 disastrous consequences, as boat owners and
5 pleasure craft owners tend to be conservative,
6 they choose coatings with demonstrated performance
7 that best protect the value of their products and
8 investments.

9 A period of four years is
10 suggested to allow completion of existing
11 development projects to bring lower VOC pleasure
12 craft coatings to the US market. Number three,
13 revise the categories and VOC limits in the CTG to
14 address current and future product developments
15 and the pleasure craft industry. Examples include
16 revised VOC limits for several coating categories,
17 a revised definition of "Extreme High Gloss"
18 topcoats and the introduction of a new category
19 definition and VOC limit for "Antifouling
20 Sealer/Tie Coat" coatings.

21 The EPA CTG should be consistent
22 with other EPA rulemaking for this industrial
23 sector. The pleasure craft industry is aware that
24 the EPA is currently evaluating the National

1 Emission Standard for Hazardous Air Pollutants
2 (NESHAP's) for Shipbuilding and Ship Repair
3 Operations (40 CFR Part 63 Subpart II). This
4 process may result in a revised Subpart II MACT,
5 which is MACT, standard and/or a new Area Source
6 standard for HAP's emissions from pleasure craft
7 service coating operations. Coatings
8 manufacturers have already provided product
9 information to the EPA to assist in its process
10 and the industry supports rulemaking that will
11 provide a consistent approach to reduce emissions
12 for both VOC and HAP's in this industrial sector.

13 EPA has indicated that they are
14 reviewing the Pleasure Craft provisions of the EPA
15 CTG. In response to industry concerns regarding
16 the Pleasure Craft provisions of the EPA CTG, EPA
17 as heard held a number of internal hearings to
18 discuss the CTG. We understand that EPA is
19 developing guidance to the regional offices and to
20 the state and local air agencies on this issue and
21 that this guidance will be forthcoming in the near
22 future.

23 The Pleasure Craft Industry is
24 ready and willing to work with Federal, State and

1 Local air agencies on this issue. The pleasure
2 craft industry was not afforded the usual
3 opportunity to consult with the EPA during the
4 development of the EPA CTG. We therefore feel it
5 is imperative to work with the EPA and the
6 Illinois EPA to develop RACT Rules that provide
7 reductions in VOC emissions while meeting the
8 performance and productivity requirements of an
9 important US industry that is under increasing
10 pressure economic conditions and global
11 competitions. I thank you very much.

12 MR. FOX: Very good. Mr. Halcomb, I
13 would guess there are questions on the basis of
14 the pre-filed testimony on your statement and if
15 you are set we can proceed to those.

16 MR. HALCOMB: Sure.

17 MR. FOX: Are there any, in fact,
18 questions for Mr. Halcomb on those bases this
19 morning? Ms. Vetterhoffer, please go ahead.

20 MS. VETTERHOFFER: Just a few
21 questions, Mr. Halcomb. You just stated in your
22 testimony that the South Coast pleasure craft
23 coating limits that you're addressing that the CTG
24 is based on were promulgated in 1992. Were the

1 limits for extreme high gloss coatings and
2 finished primers that were promulgated in 1992 the
3 same as the ones that are in the CTG?

4 MR. HALCOMB: That's a good
5 question. I don't have the CTG in front of me,
6 but they did -- what came out in 1992 was actually
7 revised in 2001 because there was no way to meet
8 those numbers for VOC. So they came up with that
9 new category called extreme high gloss.

10 MS. VETTERHOFFER: In the pre-filed
11 testimony of the NPCA you provided a couple links.
12 It's on the second page and it's the first
13 footnote. It links to a Board meeting that was
14 held in South Coast in 1994 when they revised
15 their VOC limits and I went to the link and it
16 looks like those limits that are in the CTG were
17 promulgated in 1994 and is it your understanding
18 that in 1999 they were given a two-year extension
19 to comply?

20 MR. HALCOMB: Correct.

21 MS. VETTERHOFFER: For the
22 antifouling coating category, it's my
23 understanding that those were finalized in 2001,
24 too, is that correct?

1 MR. HALCOMB: Correct.

2 MS. VETTERHOFFER: Okay. So if the
3 pleasure craft coating industry has known about
4 the limits for finished primers and extreme high
5 gloss coatings for as many as 16 years and at
6 minimum 9 years and the limits for antifouling for
7 about 9 years, what progress has the pleasure
8 craft industry made in that time to reduce VOC
9 limits in these coatings?

10 MR. HALCOMB: I think technically as
11 a paint manufacturer -- all paint manufacturers
12 could probably produce coatings to meet the
13 regulations, but they're not acceptable to the
14 customers as far as appearance and workability.
15 Our experience has been because they don't get the
16 expectation of what their customer is going to pay
17 for, they have a tendency not to use compliant
18 materials. So they move into regions where they
19 can buy compliant materials and they go about
20 their business. We've been working on this for
21 quite a long time as I'm sure every paint company
22 has. We just haven't gotten to that point where
23 the customer is willing to buy a complaint coating
24 based on what they -- if they're painting a

1 fiberglass or metal boat with their customer
2 expectations are so that's the biggest drawback is
3 we can design something to meet the regulations,
4 but then nobody is going to want to buy it. We're
5 getting closer. We've started at an early age on
6 it and we've tried numerous variations of
7 chemistry and whatever, but we just haven't gotten
8 there yet.

9 MS. VETTERHOFFER: Do you know if
10 any advancements have been made?

11 MR. HALCOMB: Yes. There have been
12 advancements in the chemistry and what's going on.
13 When we put this together, we need a little more
14 time and they were asking for four more years, I
15 believe, was the request in the petition.

16 MS. VETTERHOFFER: Are some of the
17 VOC limits you're requesting, though, you're
18 requesting permanent limits, permanent increases
19 in VOC limits or are they all for four years?

20 MR. HALCOMB: They were going to be
21 temporary for four years.

22 MS. VETTERHOFFER: Okay.

23 MR. HALCOMB: What happens is you
24 can take a multiple component product and you can

1 take part A, B and C and meet -- we're finding out
2 that the applicators that our customers, they're
3 having to add more VOC to it to make it work.
4 That's where the problem is and for us it's a
5 change this is what you want, we have to figure
6 out how to get our product to do that without
7 adding the extra VOC and I think that's what I
8 read through here correctly that was the request
9 was to raise, I think, from 490 -- there were
10 several requests in here to raise in the different
11 categories temporarily the VOC limit.

12 MS. VETTERHOFFER: If we could just
13 turn -- I just want to make sure I'm clear because
14 I read it a slightly different way. If we could
15 turn to the last page of the pre-filed testimony
16 page ten.

17 MR. HALCOMB: Okay.

18 MS. VETTERHOFFER: It looks to me
19 like NPCA is recommending that only the finish
20 primer surface or VOC limit will be temporarily
21 increased and that the categories for antifouling
22 sealant/tie coat which is a new category and
23 antifouling and extreme high gloss coatings be
24 permanent, am I reading that correctly?

1 MR. HALCOMB: I think we were
2 suggesting there that two and three if one was not
3 possible.

4 MS. VETTERHOFFER: And by one you're
5 referring to an averaging approach?

6 MR. HALCOMB: Right. There was
7 also, I believe, a request to raise the extreme
8 high gloss coatings.

9 MS. VETTERHOFFER: Yes. That's in
10 number three on that page, too, at 420 --

11 MR. HALCOMB: Right. Okay. Amend
12 the extreme high gloss VOC limit from 420 to 600.
13 Do you understand the averaging that they're
14 doing, they're talking about?

15 MS. VETTERHOFFER: I read the
16 testimony. I'm not sure about the specifics of
17 what averaging --

18 MR. HALCOMB: In the yacht and
19 marine painting environment, let's say there's six
20 applications of products, the topcoat is just the
21 last one. So what they're doing is saying if we
22 can get the VOC down on the first five allow them
23 to use the product that gives them the cosmetic
24 and appearance results they want and let's say if

1 there's, you know, on a 50 foot yacht there's 400
2 gallons of product. Well, only 50 may be the
3 topcoat. So 350 there that's what they're talking
4 about the averaging. If 350 can be lower VOC
5 because they're sanded and not part of the end
6 appearance whereas the final coat is the
7 appearance that's what they're saying an averaging
8 is. The larger volume products are the first four
9 or five coats and allow them to use a higher VOC
10 final coat which has lower volume also in total
11 application process.

12 MS. VETTERHOFFER: And are you
13 recommending an annual averaging approach or would
14 this be monthly or an ozone --

15 MR. HALCOMB: I think the annual was
16 because these projects can take more than months.
17 I mean some of these applications on these larger
18 vessels can take three or four months. So it
19 might be hard to calculate an averaging on a
20 monthly basis because the project is not completed
21 in a month. I mean some projects take six months
22 to complete. I think the reasoning for the year
23 was just because projects can take so long to
24 complete.

1 MS. VETTERHOFFER: Okay. Going back
2 to number three on that last page of your
3 testimony. The categories where you are
4 recommending a permanent increase in VOM limits,
5 is there any way that if an interim limit on these
6 high limits were provided for a period of
7 something like three or four years, is there any
8 chance that the industry will improve and that
9 eventually they could meet the limits that are in
10 the Agency's current proposal?

11 MR. HALCOMB: I think the yacht
12 industry is very interested in complying and to
13 think about it from their own health and safety
14 it's a better working environment for the people.
15 Unfortunately for us they use less products, but
16 that's good for them.

17 MS. VETTERHOFFER: But that might be
18 a possibility then?

19 MR. HALCOMB: Yeah. That's why we
20 asked for the three or four years to get to a
21 point. I think a lot of companies are very close
22 to obtaining where we need to be. It's just
23 taking a pretty long time.

24 MS. VETTERHOFFER: Are you aware of

1 any sources in Illinois non-attainment areas that
2 will be affected by the proposed pleasure craft
3 industry limits?

4 MR. HALCOMB: I looked at the list
5 and I think there were 111 names on the list. I
6 didn't recognize any that, you know, from a
7 coatings -- that would be affected.

8 MS. VETTERHOFFER: And are you aware
9 of any sources that are planning to begin
10 operating in Illinois non-attainment areas that
11 would be subject to these limits?

12 MR. HALCOMB: Not to my knowledge.

13 MS. VETTERHOFFER: So the NPCA's
14 comments, are those just general concerns for the
15 industry, pretty much industry wide and not
16 necessarily specific to Illinois sources?

17 MR. HALCOMB: They are more generic
18 to North America.

19 MS. VETTERHOFFER: What is the view
20 and content of these coatings that your testimony
21 deals with? What are the current VOM content
22 limits of those coatings that the industry is able
23 to meet?

24 MR. HALCOMB: They're in the mid 500

1 range.

2 MS. VETTERHOFFER: And does that
3 apply to extreme high gloss, antifouling and
4 finish primer surfaces?

5 MR. HALCOMB: Yes. The extreme high
6 gloss may be higher than the primer.

7 MS. VETTERHOFFER: Besides customers
8 that purchase these coatings or have these
9 coatings applied objecting to some of these lower
10 VOC coatings, are there any other technical
11 problems in -- are there any other problems that
12 sources would have in meeting?

13 MR. HALCOMB: Yes, there is. You
14 have to retrain them how to spray the coatings.
15 When you go to a VOC compliant coating, you need
16 different equipment, you have to retrain these
17 people who have been painting 25 years how to
18 apply these new coatings. There's definitely
19 going to be a training period and I think that's
20 part of the reason for the extension is if we came
21 out for -- if the industry came out with a product
22 tomorrow, we have to go out and train all these
23 people. You have to buy new equipment to comply.
24 There's going to be a process of training, yes.

1 MS. VETTERHOFFER: Any other
2 technical problems with the compliant VOC
3 coatings?

4 MR. HALCOMB: They cure slower.
5 They dry slower. So there's all those concerns
6 with the applicators.

7 MS. VETTERHOFFER: You mentioned
8 that right now sources are meeting limits in the
9 mid 500s for gram per liter. A couple of the
10 recommendations in your testimony and the
11 pre-filed testimony recommend an increase. I
12 guess I'm looking at the extreme high gloss limit
13 to 600, is there any lower limit? I know you
14 mentioned 500s that could be met.

15 MR. HALCOMB: That's an average
16 because some of the colors require more reducers
17 so they can go up to like 590 I think is the top
18 number. I think that's why we asked for the 600.
19 Whites and colors have different requirements for
20 adding VOC to the reducers. So a dark color would
21 actually have a higher VOC than a white, but I
22 threw out the 550 as a mid range, but there are
23 some that come in at 590, 595.

24 MS. VETTERHOFFER: The Agency's

1 proposal gives sources the option of using capture
2 and control devices that meet certain requirements
3 and the option is meant to give sources an
4 alternative to using compliant coatings, sources
5 also have the option of using a combination and
6 control devices and lower VOM coatings. If
7 pleasure craft coating sources aren't able to use
8 compliant coatings to meet these limits, what
9 devices can be used in this industry to capture
10 and control emissions from pleasure craft
11 coatings?

12 MR. HALCOMB: Unlike other
13 industries, in the yacht business, we don't have
14 controlled environments for painting like they use
15 in automotive or aerospace as an example. They
16 have controlled environments where they paint
17 their aircraft or cars and they can actually
18 capture the overspray. Where yachts are painted,
19 there are no controlled environments. They paint
20 them where they build them and there is no way to
21 capture it really. The overspray -- it would be
22 very difficult to capture. Is that what you're --

23 MS. VETTERHOFFER: That's what I'm
24 asking.

1 MR. HALCOMB: It would be almost
2 impossible.

3 MS. VETTERHOFFER: So is it your
4 understanding these capture and control devices
5 aren't widely used in the industry?

6 MR. HALCOMB: In the yacht business?

7 MS. VETTERHOFFER: Mm-hmm, yes.

8 MR. HALCOMB: There's very few in
9 North America. I could probably count them on one
10 hand.

11 MS. VETTERHOFFER: That use capture
12 control devices?

13 MR. FOX: Mr. Halcomb, if you could
14 speak an answer. I did see a nod and I have a
15 feeling I know what you meant, but the record
16 should reflect it.

17 MR. HALCOMB: I understand.

18 MR. FOX: Maybe it would be helpful
19 Ms. Vetterhoffer to repeat the question if you
20 could.

21 MR. HALCOMB: About the capture and
22 control?

23 MS. VETTERHOFFER: I'm not sure what
24 I just asked.

1 MR. HALCOMB: You asked if there
2 was -- if it was widely used and the answer was
3 no. It's not widely used in the yacht business
4 for capture and control.

5 MS. VETTERHOFFER: Okay. Thank you.
6 In your testimony you recommend revising the
7 definition of extreme high gloss topcoat to
8 decrease the reflectance percentage specified in
9 the definition which would potentially increase
10 the number of coatings that would be subject to
11 the higher extreme high gloss coating limits and I
12 wasn't sure exactly from the pre-filed testimony
13 why is the revision to this definition necessary?

14 MR. HALCOMB: I think because the
15 number when originally proposed was too high.

16 MS. VETTERHOFFER: Can you explain
17 why?

18 MR. HALCOMB: I think it came in at
19 95 was the first many years ago, but these
20 coatings because of application techniques,
21 obtaining 95 is very, very rare just because of
22 application procedures. So there was a request to
23 go back down to 90 because we'll see more 91s and
24 92s then we will 95s as far as the gloss.

1 MS. VETTERHOFFER: And the glosses
2 that achieve the 91 or 92 those fall under the
3 current just high gloss coatings, the limits for
4 that, correct?

5 MR. HALCOMB: I thought the high
6 gloss was lower than that.

7 MS. VETTERHOFFER: I believe the
8 high gloss is 85 percent.

9 MR. HALCOMB: Yeah, I'd say 85.

10 MS. VETTERHOFFER: Right.

11 MR. HALCOMB: So high gloss of 85 to
12 90 and we think the extreme high gloss ought to be
13 at 90 plus. That's what's more practical for the
14 industry.

15 MS. VETTERHOFFER: Is it possible to
16 meet the high gloss limit for glosses that are
17 only 91 or 92?

18 MR. HALCOMB: That's a good question
19 because it's really down to the applicator and,
20 you know, what their customer's expectations are
21 as far as the quality of the finish.

22 MS. VETTERHOFFER: You had mentioned
23 that the industry has been in talks with the
24 US EPA about these limits. Did you get a response

1 from the US EPA? What is the outcome of those
2 talks?

3 MR. HALCOMB: There was a meeting.
4 I believe it was last week in Washington DC where
5 presentations were made to the EPA. I was not at
6 that meeting.

7 MS. VETTERHOFFER: Do you know --
8 the Agency's heard a rumor that the US EPA might
9 be coming out with a document that sort of
10 explains what their position is on --

11 MR. HALCOMB: That's what I
12 understand.

13 MS. VETTERHOFFER: But you haven't
14 received anything yet?

15 MR. HALCOMB: Not to my knowledge.

16 MS. VETTERHOFFER: Mr. Davis just
17 has a couple follow-up questions.

18 MR. FOX: Mr. Davis, please go
19 ahead.

20 MR. DAVIS: Rory Davis, Illinois
21 EPA. Is there a specific rule in an area other
22 than the SCAQMD that the NPCA considers to be
23 RACT?

24 MR. HALCOMB: I don't know. I

1 haven't been asked that.

2 MR. DAVIS: You did mention there
3 were five others.

4 MR. HALCOMB: That was in
5 California.

6 MR. DAVIS: Right. US EPA used the
7 South Coast Rule. Is there another rule in
8 California that you're aware of that --

9 MR. HALCOMB: I'd have to check. I
10 don't know.

11 MR. DAVIS: Are you aware of the
12 rule, any rules that have an averaging approach
13 like you're suggesting?

14 MR. HALCOMB: Not here in North
15 America. Most of the averaging considerations are
16 in Europe.

17 MR. DAVIS: And you mentioned that
18 the industry is getting closer all the time to
19 meeting these limits. Do you have an idea when
20 the industry might be able to meet the limits in
21 the CTG?

22 MR. HALCOMB: I think like I said if
23 we had a product that we thought laboratory
24 environment was and -- everything and we go out

1 tomorrow, it's going to take us the three to four
2 years to educate people, train them. So that's
3 why we asked for that extension and, again, the
4 training is part of the process. You have to go
5 in and show them how to do it, how to mix it
6 properly, adjust some of their application
7 techniques.

8 MR. FOX: Mr. Davis, any further
9 questions?

10 MR. DAVIS: No.

11 MR. FOX: Very good.

12 Ms. Vetterhoffer, do you have any additional
13 questions that you'd like to ask Mr. Halcomb?

14 MS. VETTERHOFFER: No.

15 MR. FOX: I'm sorry.

16 MR. RAO: I have a follow up to
17 Mr. Davis' questions about regulations.

18 Mr. Halcomb, are you familiar with any state
19 regulations where states have adopted limits which
20 are different from the CTG?

21 MR. HALCOMB: I have to do some
22 research for you, but there are -- I mean a lot of
23 states are asking, you know, larger volume use to
24 record what their volume per month is of, you

1 know, VOC's, but I don't know if there's any
2 regulations saying, you know, this is good or this
3 is the target.

4 MR. RAO: Because in your pre-filed
5 testimony there were comments about how the
6 industry is moving from California to other states
7 or countries where the emission limits are more
8 relaxed than what the California limits are. So I
9 was wondering if there are other states in the
10 United States where they have less stringent
11 standards that are being adopted or most of the
12 standards are based on the CTG?

13 MR. HALCOMB: No. The states we saw
14 that the transition you mentioned about was in
15 California was a lot of these companies moved to
16 Mexico, that was the other country, from San Diego
17 south. Several moved to the Carolinas and to
18 Florida where there really are no guidelines for
19 VOC restrictions. We hear from our customers that
20 lots of states are talking about it, but no one
21 has really set the guidelines outside of what
22 happened in California.

23 MR. RAO: Thank you.

24 MR. DAVIS: One more.

1 MR. FOX: Mr. Davis, please go
2 ahead.

3 MR. DAVIS: You said that you would
4 have to look into different state and area rules.
5 I know that the Agency has requested more
6 specifics than what was just in the petition for
7 the US EPA. I'm not sure what your position is or
8 if you're able to do this, but could you commit
9 the NPCA maybe to providing the Agency with a bit
10 more specific information on -- well, just more
11 specific than what was in the petition, maybe some
12 rules and other areas that are being complied
13 with?

14 MR. HALCOMB: You mean on a state by
15 state basis?

16 MR. DAVIS: Right. The Agency
17 doesn't have an expert in this category and we did
18 request more specifics after we got the petition
19 and then I don't believe we received anything from
20 NPCA and I don't know if you can commit your
21 association to providing that to us.

22 MR. HALCOMB: Not being a part of
23 this -- I mean we're a coatings, but, yeah, I
24 think it's a good idea and I don't see why. It's

1 not an unreasonable request.

2 MR. FOX: Mr. Davis, if I may
3 clarify. You referred a couple times to a
4 petition. Is that the pre-filed testimony from
5 the coatings association that was filed on May
6 7th, is that the document that you're referring
7 to?

8 MR. DAVIS: Yeah. It was a petition
9 to the US EPA from the NPCA and I don't know if
10 it's labeled as such in the testimony. Most of
11 the language in here is -- and -- it is the
12 pre-filed testimony.

13 MR. FOX: Very good.

14 MR. DAVIS: It was formally a
15 petition to the US EPA.

16 MR. FOX: Very good. Thank you for
17 letting me clarify that. I just wanted to make
18 certain we were all referring to the same
19 document. Anything further?

20 MR. HALCOMB: I just wanted to --

21 MR. FOX: Please go ahead.

22 MR. HALCOMB: Along that line if you
23 don't mind. There is because we hear about it
24 from customers all over. It's like this is coming

1 and why wait. You know, we are all trying to deal
2 with it. We get requests more and more from our
3 customers, how do you calculate VOC, you know,
4 because it's not a simple calculation when you
5 have all these components. So we are -- we put a
6 VOC calculator on our website two years ago trying
7 to help customers so we hear this all over from
8 the yacht industry people. So we are very
9 interested in trying to get to the resolution and
10 it's in the interest of everybody to get there.

11 MS. MOORE: Did you say, yes, you
12 will provide what Mr. Davis asked?

13 MR. HALCOMB: I will have to ask
14 Mr. Sells if that is on their docket for
15 collecting information. I don't know today, but
16 it's not an unreasonable request. It should be
17 fairly simple to do, but I don't know. We need to
18 find out.

19 MR. FOX: Very good. Any further
20 Agency questions for Mr. Halcomb?

21 MS. VETTERHOFFER: No.

22 MR. FOX: Was there anyone else
23 present who wished to pose any questions on the
24 basis of the coatings association's testimony or

1 Mr. Halcomb's remarks here today? Very good.
2 Neither seeing nor hearing any indication that
3 anyone does wish to ask any more questions,
4 Mr. Halcomb, please accept our thanks for your
5 participation and information. It's much
6 appreciated.

7 MR. HALCOMB: Thank you.

8 MR. FOX: I noted at the top of the
9 hearing we had Mr. Raymond present who has not
10 pre-filed testimony and who wished to provide that
11 testimony here at the hearing and to be sworn in
12 for questions and it appears, Mr. Raymond, we've
13 come to the time for that. If you would like to
14 take this middle seat at the front table, that
15 probably will make it easiest for everyone to hear
16 you. Before we move on though, and forgive me for
17 taking this out of order, Mr. Halcomb had offered
18 the statement that he made today as a hearing
19 exhibit and we had provided -- we, Mr. Halcomb, of
20 course, had provided that to the Agency
21 specifically to see if they had any objection to
22 admitting it as such and certainly we will give
23 anyone else an opportunity to object towards its
24 admission. Has the Agency had an opportunity to

1 review that or did anyone else wish to be heard on
2 the admission of his statement delivered today as
3 Hearing Exhibit Number 3?

4 MS. VETTERHOFFER: The Agency has
5 had time to review it and has no objection to it.

6 MR. FOX: The Agency has indicated
7 that it's fine with the admission, any admission
8 with that exhibit. Is there anyone else who
9 wishes to be heard? Neither seeing nor hearing
10 anyone that does, that will be admitted as Hearing
11 Exhibit Number 3 in this proceeding.

12 (Document marked as Hearing
13 Exhibit No. 3 for
14 identification.)

15 MR. FOX: And, Mr. Raymond, I
16 appreciate your forbearance while I took care of
17 that housekeeping issue. If you are ready to be
18 sworn in, we can have you deliver the testimony
19 that you had prepared and then take any questions
20 on that basis. Very good.

21

22

23

24

1 WHEREUPON:

2 ROBERT RAYMOND

3 called as a witness herein, having been first duly
4 sworn, deposeth and saith as follows:

5 E X A M I N A T I O N

6 MR. FOX: Very good. Mr. Raymond,
7 we are ready for you to provide the testimony that
8 you brought.

9 MR. RAYMOND: I have more copies if
10 anyone needs them.

11 MR. FOX: Do you have at least one
12 additional one that we might be able to consider
13 as a hearing exhibit? Mr. Raymond, if I may ask
14 you to circulate a copy of that to the other folks
15 who are here on behalf of the Agency in
16 particular. Mr. Raymond, I will construe your
17 circulation of that document as a wish to admit it
18 as a hearing exhibit. We do have the gracious
19 help of one of our other staff members who is
20 making copies. What I would like to do as we did
21 with Mr. Halford -- Halcomb. I'm sorry that I
22 keep mispronouncing your name.

23 MR. HALCOMB: You must know somebody
24 by the other name.

1 MR. FOX: It plainly must be. We
2 can construe that as a motion to admit, circulate
3 the additional copies and before you wrap up any
4 questions go ahead and deal with the Actual
5 admission of that into the record.

6 MR. RAYMOND: Okay.

7 MR. FOX: But in the meantime rather
8 than wait for that, why don't we have you provide
9 this testimony and once that's concluded we can go
10 to any questions that people may have for you.

11 MR. RAYMOND: Okay. Thank you for
12 allowing me to speak today. My name is Robert
13 Raymond. My wife and I founded the RayVac
14 Plastics in 1968. Our son, Robert J. Raymond,
15 joined the firm in 1983. He is now an equal
16 shareholder. It is our hope that his teenage sons
17 may one day continue the family operation.

18 We have been at our current
19 location since 1972. We employ 20 people and
20 sometimes utilize temporary employees. Our gross
21 sales average about \$1.5 million a year and in the
22 current economy we're suffering like everybody
23 else. We rely on outside firms for advice on how
24 to be in full compliance with all regulations. We

1 don't have experts on staff. I'm accompanied
2 today by Jerry Truepack from Huff & Huff and we
3 rely on that firm to keep us where we need to be.

4 I am pleased with our record to
5 date and wish to continue making progress in
6 reducing our VOC emissions. In the early '90s,
7 our emissions were 40 to 45 tons per year, which
8 is significantly higher than our last ten year
9 average of 11.2 tons per year. We currently have
10 an IEPA cap permit because our maximum theoretical
11 emission exceed 25 tons per year. We are exempted
12 from subpart PP by permit restriction of less than
13 100 tons VOM per year.

14 Our actual VOM history is less
15 than 15 tons for the last ten years and an average
16 of 11.2. Normally, we run two shifts per day, but
17 recently have been limited to one shift. RayVac
18 Plastics is located on Route 30 four miles from
19 the DeKalb County line. If we had built the
20 factory in my wife's hometown, we would be outside
21 the non-attainment area. She'll never let me
22 forget that.

23 We don't want to move. You
24 know, we want to stay where we're at. It's our

1 hometown. We've been there too long. Our present
2 reduction in emissions from the 40 tons down to
3 the 10 tons we achieved in several ways. A large
4 part of that reduction is due to simply educating
5 ourselves and our employees. We are sensitive to
6 the issue and in some cases we have decided not to
7 accept jobs that require solvent cleaning or other
8 extra processing. Finally, we invested in two
9 machines that eliminate the need for base coats
10 and topcoats in some projects. Unfortunately,
11 this technology does not work on all of our
12 projects.

13 I would invite you to check our
14 website at www.rayvac.com to learn more about
15 vacuum metallizing. On plastics such as
16 polystyrene or ABS traditionally a primer or base
17 coat is needed to prepare the plastic for the
18 metallizing. Parts are then baked for one hour at
19 150 degrees F and then processed in our vacuum
20 metalizer where they emerge a bright silver color.
21 In some cases a clear or tinted topcoat needs to
22 be applied to add abrasion resistance or color.

23 I brought just a few examples to
24 show you. We don't manufacture any products of

1 our own. Our customers provide us with things
2 they need to have finished. There are very few
3 people that do what we do. This is a part that
4 goes on a Dodge Ram truck molded in a black ABS
5 plastic. Although it's very shiny, the primer
6 coat makes it a more brilliant smooth finish.
7 It's like a preparation for the coating. Then
8 when we put it in our vacuum chamber, we evaporate
9 a thin layer of aluminum and it gives it a bright,
10 shiny finish. This is used a lot on automotive
11 trim rings, headlights and taillights, all kinds
12 of reflectors and lighting products, trophies,
13 cosmetic caps, whenever you're in the store and
14 you see something shiny it's probably vacuum
15 metallized.

16 And in my reference to the
17 topcoat, sometimes the customer wants a gold
18 finish or something other than a bright, shiny
19 finish. So in that case, an additional topcoat is
20 applied. So our emissions come from the
21 application of these base coats and topcoats, not
22 from the Actual vacuum metallizing.

23 I hope that explains a little
24 bit about what we do. Another problem that we

1 have is that different plastics require a
2 different formulation of coatings. Currently, we
3 have a small inventory of various base coats and
4 topcoats. The different formulations require
5 different combinations of solvents. We're hopeful
6 that some of the deregulated solvents can be
7 incorporated into our formulations thereby
8 reducing emissions. Plastics we typically work
9 with are styrene, ABS, nylon, polypropylene,
10 polycarbonate. Each one has different
11 applications and our customers choose to make
12 those products of these various plastics because
13 it has to fit some mechanical or certain need so
14 we have to treat each one different.

15 I know that we can continue to
16 reduce our total emissions by working with our
17 suppliers. The new proposed standard of 2.3
18 pounds per gallon as applied that will be
19 difficult for us to reach. My request would be
20 that the coaters of plastic such as ourselves be
21 continued to operate under existing regulation.
22 We have a unique industry. An option would be to
23 decrease the current standard, but perhaps to 3.5
24 or 4 pounds per gallon instead of 2.3. I believe

1 that would be reachable. More time may be needed
2 to achieve the desired reductions so perhaps an
3 extension could be considered. A short compliance
4 period of May 2011 does not give us a time to test
5 alternatives.

6 We do not make the base coats
7 and topcoats. We rely on outside suppliers and
8 since learning of this proposed regulation, I have
9 been in contact with them. It's not going to be
10 easy. A few years ago we looked into water based
11 coatings and they've made progress and they're
12 getting closer, but they're not there yet so I
13 don't see any magic wand that is going to
14 immediately within a year provide us with the
15 ability to meet the regulation. We certainly have
16 demonstrated a record to improve. We've done
17 better and will continue to do better. I have
18 grandchildren too. We all want a cleaner world.

19 Finally, though, a small company
20 like ours cannot afford to purchase capture and
21 control equipment. Even if the equipment was
22 given to us, it is doubtful we could afford to
23 operate it. Ten tons of emissions per year would
24 really make this impractical. Assuming the

1 purchase price of \$250,000 for the unit and an
2 annual operating cost of \$75,000 per year plus
3 maintenance, you would be close to cost per ton of
4 \$8,000 or \$9,000 and we can't do it. We're just
5 not big enough.

6 If we had a 100 ton issue to
7 deal with, perhaps it would be more practical.
8 That concludes my remarks. I thank you for
9 listening to me. I hope it's helpful and I'm
10 prepared to answer any questions.

11 MR. FOX: Mr. Raymond, thank you
12 very much for those remarks. I do have, again,
13 gratefully with the assistance of a coworker
14 copies of the remarks that Mr. Raymond had
15 brought. Is there anyone who did not receive a
16 copy of that that would like to have one? They
17 did circulate then it looks like. Mr. Raymond, I
18 had mentioned that I would construe your
19 production of this as a motion to admit it into
20 our record today as a hearing exhibit.

21 MR. RAYMOND: Absolutely.

22 MR. FOX: I hear you agreeing with
23 that. Is there any objection to admitting it as
24 such as Hearing Exhibit Number 4? Neither seeing

1 nor hearing any, Mr. Raymond, it is admitted into
2 our record as Exhibit Number 4 and I will mark it
3 as such for our record in this proceeding.

4 (Document marked as Hearing
5 Exhibit No. 4 for
6 identification.)

7 MR. FOX: And you have indicated
8 that you are willing to take any questions and I
9 appreciate your willingness to do so. Is there
10 anyone who wishes to follow up with any questions
11 on the basis of Mr. Raymond's remarks this
12 morning? I see both Ms. Vetterhoffer and
13 Mr. Davis indicating so. I'll let them fight out
14 which one goes first.

15 MR. DAVIS: The 2.3 pounds per
16 gallon limit that you're speaking of, is that the
17 general one component for plastic parts and
18 product miscellaneous?

19 MR. RAYMOND: It is my understanding
20 that that is the maximum VOM allowable emission as
21 applied.

22 MR. DAVIS: Okay. You showed us a
23 couple products. One of them -- well, they were
24 all the same piece, correct?

1 MR. RAYMOND: Correct.

2 MR. DAVIS: Okay. At different --

3 MR. RAYMOND: Various stages of our
4 operation.

5 MR. DAVIS: And that was for an
6 automotive product?

7 MR. RAYMOND: Yes.

8 MR. DAVIS: We have in our proposed
9 rule higher limits for automotive and
10 transportation plastic parts and products. Was it
11 a flexible primer that you had applied to the
12 first piece you showed and there was a primer on
13 it?

14 MR. RAYMOND: Yes.

15 MR. DAVIS: Just a primer alone?
16 Was that a flexible or a non-flexible primer?

17 MR. RAYMOND: I'm not sure I
18 understand what you mean by flexible. It's
19 applied as a liquid, allowed to flow out, air dry,
20 then forced dry.

21 MR. DAVIS: I'm not actually sure
22 what I mean by that either. That's just two of
23 the categories here. The primers -- the flexible
24 primer has a limit of 4.5 pounds per gallon and

1 the non-flexible primer has a limit of 3.5 pounds
2 per gallon which you indicate you'd like to keep
3 in the rules and that is not a general coating,
4 but for automotive products, are those limits you
5 could meet?

6 MR. RAYMOND: If that is applicable
7 for -- or applicable for automotive, about 20
8 percent of our business is with automotive stuff
9 or automotive products and I'm not familiar with
10 that part of the regulation. Jerry and I would
11 have to go through that some more, but that is
12 certainly more reasonable to my mind than the 2.3.

13 MR. DAVIS: Sure. Also, there's
14 higher limits for clear coats and base coats in
15 automotive products. And for specialty
16 products, the subcategory of specialty coatings
17 for automotive products, there is a category for
18 gloss reducers, vacuum metallizing topcoats and
19 texture topcoats, is that what we were seeing the
20 chrome-type finish or the very shiny finish, that
21 was a vacuum metallized coating?

22 MR. RAYMOND: The topcoat that goes
23 over a metallized coating. The way the silver
24 appears or the bright shiny appearance in a vacuum

1 chamber we have aluminum -- small aluminum clips
2 that are evaporated under vacuum and under vacuum
3 it disperses like steam out of a tea kettle. The
4 parts are rotating within the vacuum chamber and
5 they go in looking as bright black or whatever
6 color the plastic is molded from and when they
7 emerge they're bright silver. So the topcoat
8 would be what -- is what would be applied after
9 the silver had risen.

10 MR. DAVIS: So that might be a
11 vacuum metallizing base coat?

12 MR. RAYMOND: That would be a vacuum
13 metallizing topcoat.

14 MR. DAVIS: Okay. There are limits
15 for the vacuum metallizing base coat of 5.5 pounds
16 per gallon, the reflective argent coating -- I'm
17 not sure if that was supposed to be argent.

18 MR. RAYMOND: There is something
19 called an argent. That's in color I believe.

20 MR. DAVIS: Okay -- of 5.9 and then
21 gloss reducers, vacuum metallizing topcoats, would
22 have a limit of 6.4 pounds per gallon. Do all
23 these seem reasonable for the products that you
24 showed us?

1 MR. RAYMOND: Yes. And I confess
2 I'm not a chemist or a scientist. I know how to
3 do it, but this stuff is hard for me to grasp.
4 It's possible if I'm understanding you correctly
5 and reading these rules properly that Jerry and I
6 need to do some more research and find out if this
7 is truly applicable to what we do, if we're
8 interpreting it correctly, but if you have a
9 vacuum metallizing base coats --

10 MR. DAVIS: The topcoat would be
11 here.

12 MR. RAYMOND: Is base coat a 2.62?
13 Was that the -- I'm not -- if this is 2.62 versus
14 2.3, that's not much help.

15 MR. DAVIS: Okay. The second column
16 here is in pounds per gallon of solids applied.
17 This would be pounds per gallon of -- on a volume
18 basis.

19 MR. RAYMOND: 5.5. I'm familiar
20 with -- like a lot of typical solvents have about
21 6 pounds VOC's per gallon and the base coats have
22 3.5 or 4.0, but we have to reduce those base coats
23 to get them to work on the products we were asked
24 to coat.

1 MR. DAVIS: Would you say the
2 majority of your business is in this vacuum
3 metallizing? I know your company is RayVac.

4 MR. RAYMOND: Yes, it is. Probably
5 95 percent of our volume -- maybe 85 percent would
6 be vacuum metallized.

7 MR. DAVIS: But not necessarily for
8 automotive parts?

9 MR. RAYMOND: Correct.

10 MR. DAVIS: Okay. In the
11 miscellaneous plastic parts and products that
12 would be Q -- it's not Q. Q2 and under
13 miscellaneous we have --

14 MR. FOX: Mr. Davis, just to
15 clarify, you're referring to proposed part 218 or
16 219 204Q?

17 MR. DAVIS: Q2.

18 MR. FOX: Thank you very much for
19 letting me interrupt you.

20 MR. DAVIS: Sure. We do have a
21 vacuum metallized coating limit and this is not
22 for automotive of 6.7 pounds per gallon by volume.
23 Does that seem like a reasonable limit?

24 MR. RAYMOND: I think we can do that

1 with today's technology.

2 MR. DAVIS: Okay. And then I just
3 have one more question. Would you be willing to
4 work with the Agency to maybe figure out what your
5 limits would be on the basis of the specific
6 coatings rather than depending on just the general
7 one component of 2.3 pounds per gallon? I believe
8 that's just a very general coating that couldn't
9 be, you know, specified in one of these other
10 subcategories. Would you be willing to work with
11 the Agency to figure out what -- if there are
12 other issues that you might have besides the
13 vacuum metallizing?

14 MR. RAYMOND: I would be
15 appreciative. It sounds as though my initial
16 understanding of what we were being asked to do
17 may not be as severe as I thought. So I don't
18 know that it would be possible for someone from
19 the Agency who understands all the rulings to
20 meet, to help educate us, to meet with some paint
21 people.

22 MR. DAVIS: That would be a question
23 for me. I don't know if I need to be sworn in for
24 that, but the Agency does take comments and

1 questions on concerns and rulemaking.

2 MR. RAYMOND: I would look forward
3 to that. I would welcome that opportunity.

4 MS. VETTERHOFFER: I think that's
5 all the questions we have.

6 MR. FOX: Hearing that the Agency
7 has no further questions either from
8 Ms. Vetterhoffer or Mr. Davis' part, is there any
9 other participant here today that wishes to follow
10 up with Mr. Raymond's testimony with a question?
11 Sir, if you'd identify yourself please and any
12 organization you may be with.

13 MR. ANDERSON: My name is Steve
14 Anderson. I'm with Admiral Environmental
15 Services. We're a consulting company here in the
16 Chicagoland area. We represent probably 12 of the
17 companies that were on the list in there. Many of
18 them are like Mr. Raymond's company. They are
19 very small. I have comments. I don't know if
20 this is the appropriate time to do it or I can get
21 my information out by asking him questions and it
22 will get to the same information that I'm trying
23 to relay.

24 MR. FOX: Why don't we have you,

1 Mr. Anderson, begin with questions based on the
2 testimony that we have heard and we can proceed
3 from there.

4 MR. ANDERSON: Okay. Mr. Raymond,
5 your company is a small company. Again, how many
6 employees are there?

7 MR. RAYMOND: About 20 employees.

8 MR. ANDERSON: About 20 employees.
9 We represent a lot of your companies -- companies
10 of that size that do coatings on metals, plastics,
11 paper, all sorts of variety of information. When
12 this information was given to you, did you receive
13 the disc from the Agency that had the proposed
14 regulations on it?

15 MR. RAYMOND: The disc was with an
16 envelope with the proposal.

17 MR. ANDERSON: Did you read it?

18 MR. RAYMOND: I can't understand
19 that. I gleaned what I could, but I might as well
20 have been reading the Bible in Hebrew.

21 MR. ANDERSON: That's the same
22 answer from all of our clients. There's not one
23 that read this disc. It's a very complicated
24 rule. They don't understand it. My question

1 would be would you benefit from the Agency's
2 outreach program where they would have somebody
3 who would explain what the rules are and allow you
4 to ask questions specific to your business?

5 MR. RAYMOND: It would be helpful of
6 course. We don't view the IEPA as some kind of
7 enemy. We're trying to accomplish the same goal.
8 And, you know, we know the practical side of our
9 business. We know how to do certain things.
10 We're not chemists. We're not scientists and
11 we're not attorneys so we have to rely on others
12 to provide us that kind of guidance whether it's a
13 firm or someone IEPA has available. We just want
14 to get the job done.

15 MR. ANDERSON: Some concerns that I
16 have heard is if you had to change coatings how
17 long would it take you to change those coatings?
18 Could you do it by May 1st of next year?

19 MR. RAYMOND: I don't think so.
20 That's one of the concerns because as I mentioned
21 earlier I've talked to all my suppliers and at
22 that time we were looking in terms of the 2.3
23 pounds per gallon or VOM emissions and as I also
24 said earlier we had experimented with waterborne

1 coatings. The product we deliver has to please
2 our customer or else it's no good just like the
3 problems in your business.

4 MR. ANDERSON: It's a common thing
5 that we see with our clients also that if changes
6 need to be made, meaning if coatings need to be
7 changed, if control devices need to be changed or
8 retested, there's just not enough time. There's
9 no way they can do it by May 1st of next year. I
10 don't know if the Agency has any control over that
11 date for compliance, but that is a big deal. It
12 costs more money than what they had put in their
13 estimated costs of compliance.

14 MS. VETTERHOFFER: I'm sorry. Is
15 this a question or testimony?

16 MR. ANDERSON: I can ask questions.

17 MR. FOX: Please do. And we'll need
18 to swear you in to make statements in the nature
19 of the testimony. We'll absolutely do that,
20 Mr. Anderson.

21 MR. ANDERSON: That's fine.
22 Mr. Raymond, do you have a control device on your
23 equipment on there?

24 MR. RAYMOND: No.

1 MR. ANDERSON: If you needed a
2 control device, if that was your option, how long
3 would that take? Do you have any idea?

4 MR. RAYMOND: I don't know, but it
5 would be more than a year and it's not even an
6 option for a company my size.

7 MR. ANDERSON: And why is that.

8 MR. RAYMOND: The early estimates I
9 was able to get it would be a minimum installation
10 charge of \$250,000 plus an annual operating
11 expense of \$75,000 plus upkeep and maintenance.
12 I'm emitting ten tons. That's \$7,500 per ton.
13 It's just not practical.

14 MR. ANDERSON: Yeah.

15 MR. RAYMOND: I would either have to
16 move or close up.

17 MR. ANDERSON: That's common.
18 That's very common. Thank you. That's all I
19 have.

20 MR. FOX: No further questions for
21 Mr. Raymond?

22 MR. ANDERSON: No.

23 MR. FOX: Very good. Is there
24 anyone else that wishes to pose a question to

1 Mr. Raymond on the basis of his statement here
2 today? Neither seeing nor hearing any it appears
3 that we have exhausted both the pre-filed
4 testimony that we received and the pre-filed
5 testimony that Mr. Raymond presented today. Why
6 don't we go off the record and just address a
7 couple of procedural issues then.

8 (Whereupon, a discussion was had
9 off the record.)

10 MR. FOX: If we may go back on the
11 record, please. We are coming back on to the
12 record after discussing procedural issues with the
13 participants in this hearing. The third hearing
14 in this docket is now scheduled to take place on
15 Wednesday, June 2nd of 2010 in Chicago with the
16 deadline of Friday, May 21st to pre-file testimony
17 for it. Under Section 28.53 -- 28.5(f)3. I'm
18 sorry. The third hearing, quote, shall be devoted
19 solely to any Agency response to the material
20 submitted at the second hearing and to any
21 response by other parties. The third hearing
22 shall be cancelled if the Agency indicates to the
23 Board that it does not intend to introduce any
24 additional material, close quote. Does the Agency

1 wish on the record to address the issue of the
2 third hearing?

3 MS. VETTERHOFFER: The Agency is
4 unclear at this time whether it intends to
5 introduce additional material, but we will make
6 that decision within the next couple of days.

7 MR. FOX: Very good. I had
8 indicated off the record it would be the Board's
9 intent if we would receive pre-filed testimony for
10 the scheduled third hearing before the deadline on
11 Friday, May 21 that we would regard that as the
12 clearest possible indication that the Agency
13 wished the third hearing to go forward.
14 Alternatively, it would be the Board's
15 interpretation in the absence of any pre-filed
16 testimony received by that deadline of Friday, May
17 21st to regard that as the Agency's clear intent
18 not to hold the hearing that is scheduled and, in
19 fact, to cancel it, is that a fair assessment,
20 Ms. Vetterhoffer?

21 MS. VETTERHOFFER: Yes.

22 MR. FOX: Very good. Thank you very
23 much. I do want to note that the expedited copies
24 of this transcript, the transcript of today's

1 hearing, are expected to be available to the Board
2 by Monday, May 24th. The Board will then
3 expeditiously post the copy of that transcript to
4 it's clerk's office online or COOL, the acronym
5 COOL, which is accessible through the Board's
6 website and certainly our clerk's office is
7 prepared to be very helpful in assisting anyone
8 who would like to use that tool.

9 Section 28.5(k) of the Act
10 provides that following the hearings whether there
11 are two -- whether we conclude today or whether
12 there is a third hearing, the Board must close the
13 record 14 days after the availability of the
14 transcript. Since the third hearing may possibly
15 take place or at least has not been cancelled by
16 the Agency, I will not today set any deadline for
17 filing post hearing comments, but as I mentioned
18 at least obliquely in the event that the IEPA does
19 cancel the third hearing I will issue a hearing
20 officer order so that all of the participants will
21 know when the post hearing comment period does
22 begin and end.

23 Because of the deadlines imposed
24 on the Board, any other participants by the Fast

1 Track rulemaking the order will indicate that the
2 mailbox rule of the Board's procedural rules does
3 not apply to those comments so that they must be
4 received here at our clerks office on or before
5 the deadline that ultimately will be set. Pardon
6 me.

7 Those post hearing comments may
8 of course be filed electronically and any
9 questions about that process our clerk's office
10 I'm sure will happily address and those filings
11 whether paper or electronic must also be served on
12 the hearing officer and the participants who were
13 on the service list in this proceeding. I also
14 want to note for the record that under Section
15 28.5(n) as in Nancy that, quote, the Board must
16 complete a Fast Track rulemaking by adopting a
17 second notice order no later than 130 days after
18 receipt of the proposal if no third hearing is
19 held and no later than 150 days if the third
20 hearing is held, close quote. What that would
21 mean is that if the third hearing is cancelled the
22 Board would be required to adopt a second notice
23 opinion and order on or before Friday, July 16th
24 and if the third hearing does take place that

1 order is required on or before Thursday, August
2 5th of 2010. Pardon me.

3 Does anyone have questions about
4 the procedural aspects of this hearing or
5 rulemaking generally? Neither seeing nor hearing
6 any I certainly thank all of you for your
7 participation and your information and we can
8 adjourn for the day. We are not prepared to
9 adjourn. Ms. Hodge, your reminder was very clear,
10 my memory was not.

11 MS. HODGE: Thank you very much.
12 Kathryn Hodge with Hodge, Dwyer & Driver and I am
13 here today for the Illinois Environmental
14 Regulatory Group and in particular asking this
15 question on behalf of IRG for short. This relates
16 to the Agency's motion to amend the rulemaking
17 proposal and in particular the language that's
18 added on page three of your motion and its new
19 proposed Subsection 218904(a)2 and just, you know,
20 to clarify where this is. This is included in the
21 subpart JJ miscellaneous industrial adhesives, is
22 that correct, Mr. Davis?

23 MR. DAVIS: Yes.

24 MS. HODGE: And also within this

1 section in particular Subsection 218900(a).

2 MR. FOX: If we're going to have
3 Mr. Davis respond to questions, Ms. Hodge, forgive
4 me for interrupting we'll need to swear him in
5 very quickly to respond.

6 MS. HODGE: Okay. Sure.

7 WHEREUPON:

8 RORY DAVIS

9 called as a witness herein, having been first duly
10 sworn, deposeth and saith as follows:

11 E X A M I N A T I O N

12 MS. HODGE: Thank you. Subsection
13 218900 is applicability for subpart JJ and within
14 Subsection A there's -- an exception is provided
15 for certain activities that do not equal or exceed
16 6.8 kilograms per day or 15 pounds per day, is
17 that correct, Mr. Davis?

18 MR. DAVIS: Yes.

19 MS. HODGE: Thank you. And then
20 also on Subsection 218904 we have the
21 recordkeeping and recording that's related to this
22 exception status, is that correct?

23 MR. DAVIS: Yes.

24 MS. HODGE: And I apologize, we're

1 kind of jumping around. Back to page three of the
2 Agency's motion to amend and in particular the new
3 language at Subsection 218904(a)2 and it indicates
4 that the source must collect and record the
5 following information each day for -- and then it
6 goes on to provide the details. Is it the
7 Agency's intent that sources that are claiming
8 this exemption would have to collect and record
9 and otherwise keep these records on a daily basis?

10 MR. DAVIS: That is what the
11 proposed amendment is now, yes.

12 MS. HODGE: Thank you. However, if
13 we look at Subsection 218904(a)1(b), which
14 includes the information as to requiring a
15 calculation to demonstrate that the combined VOM
16 emissions are below 15 pounds per day a
17 calculation is performed by totaling the monthly
18 emissions and then dividing by the number of
19 calendar days during the month that the
20 operation -- adhesive operations were active, is
21 that correct?

22 MR. DAVIS: Yes.

23 MS. HODGE: Could you explain
24 then -- I guess I just want to clarify. Are we

1 supposed to do the calculation on a daily basis or
2 do we just keep that record on a daily basis? How
3 do you anticipate that working?

4 MR. DAVIS: Well, there was a
5 question about the recordkeeping in the previous
6 hearing. We did insert some language to -- well,
7 the question was whether it was an applied
8 requirement of a source to maintain records so
9 that if they did exceed 15 pounds per day they
10 would have to notify the Agency. We considered it
11 an applied requirement that they would have to
12 know what their emissions were in order to comply
13 with the requirement that they notify if they were
14 over 15 pounds per day. So we did insert some
15 language to require that there be recordkeeping.

16 That was language taken from a
17 different -- I believe a coating category. The
18 Agency would be willing to amend that further to
19 look more like (a)1(b) so that sources wouldn't
20 need to measure, record and calculate their
21 emissions on a daily basis and we would probably
22 do that like (a)1(b) if they would calculate that
23 on a monthly basis so that they would know whether
24 they were exceeding 15 pounds per day.

1 So I guess my answer would be,
2 yes, that is how it reads now. There were
3 questions and concerns about that. I think we can
4 address that so that 2(a)(b) -- I'm sorry. Well,
5 2 could read more like 1(a)(b).

6 MR. FOX: So that Subsection (a)2
7 would perhaps resemble Section (a)1(b)?

8 MR. DAVIS: Right. The language
9 regarding the monthly calculation would be
10 probably more appropriate for -- in that language
11 being in (a)1(b) would probably be more
12 appropriate for (a)2 because (a)2 is where we have
13 language that calls for daily recording of the
14 information.

15 MS. HODGE: Thank you. And just one
16 more follow up just to clarify. Compliance is to
17 be determined by this monthly average, though, is
18 that correct?

19 MR. DAVIS: Right. It is a daily
20 limit, but it's determined monthly whether you
21 would be exceeding this, the 15 pounds a day.

22 MS. HODGE: Okay. Thank you,
23 Mr. Davis.

24 MR. DAVIS: I --

1 MR. FOX: Ms. Hodge, any further
2 questions?

3 MS. HODGE: I have no questions.

4 MR. FOX: Very good. Mr. Davis, did
5 I cut you off? I apologize.

6 MR. DAVIS: No. I was just going to
7 make a comment that these are for sources that
8 don't exceed usually 15 pounds per day and that,
9 you know, these sources it may have been, you
10 know, excessive for them already having been under
11 this 15 pounds per day to do a daily recording of
12 their emissions instead of the other way that the
13 sources that are complying have to do that.

14 MR. FOX: Very good. Ms. Hodge, I
15 think you indicated that you exhausted your
16 questions, was that fair?

17 MS. HODGE: That's correct.

18 MR. FOX: Was there anything else
19 that I overlooked, ignored or otherwise lost track
20 of? I do want the record to reflect we've been
21 joined by our Board member Thomas Johnson who is
22 at the right of Mr. Rao and if there are any
23 questions on the procedures I can certainly
24 address them now. Neither seeing nor hearing any

1 I will repeat my appreciation for your time and
2 your information and we can adjourn the hearing.

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1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF COOK)
4

5 I, Steven Brickey, Certified Shorthand
6 Reporter, do hereby certify that I reported in
7 shorthand the proceedings had at the trial
8 aforesaid, and that the foregoing is a true,
9 complete and correct transcript of the proceedings
10 of said trial as appears from my stenographic
11 notes so taken and transcribed under my personal
12 direction.

13 Witness my official signature in and for
14 Cook County, Illinois, on this 21st day of
15 may, A.D., 2010.
16
17
18
19

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