

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PROPOSED SITE-SPECIFIC NOx) R11- 17
RULE AMENDMENT APPLICABLE) (Site-Specific Rule – Air)
TO SAINT-GOBAIN CONTAINERS, INC.)
AT 35 ILL. ADM. CODE 217.152(b))

NOTICE OF FILING

TO: Mr. John Therriault Timothy 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
(VIA ELECTRONIC MAIL) (VIA U. S. MAIL)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the POST-HEARING COMMENTS OF SAINT-GOBAIN CONTAINERS, INC., a copy of which is herewith served upon you.

Respectfully submitted,

SAINT-GOBAIN CONTAINERS, INC.,
Petitioner,

Date: March 4, 2011

By: /s/Matthew C. Read
One of Its Attorneys

N. LaDonna Driver
Matthew C. Read
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705
(217) 523-4900

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POST-HEARING COMMENTS OF SAINT-GOBAIN CONTAINERS, INC.

NOW COMES Saint-Gobain Containers, Inc. (“Saint-Gobain”), by and through its attorneys, HODGE DWYER & DRIVER, pursuant to the Hearing Officer’s February 17, 2011 Order, and 35 Ill. Admin. Code § 102.108(b), and submits the following as Post-Hearing Comments in the above-referenced matter:

Saint-Gobain would like to thank the Illinois Pollution Control Board (“Board”) for the opportunity to present testimony at the February 17, 2011 hearing. Furthermore, Saint-Gobain would like to thank the Board for its willingness to schedule a hearing and manage this matter so expeditiously despite its busy schedule.

The proposed amendment would change 35 Ill. Admin. Code § 217.152(b), which currently sets a deadline for an emission unit to secure a legally-enforceable order limiting NOx emissions to less than 30 percent of the emissions limitations set forth under Subpart G of Part 217, thereby allowing the emission unit to utilize the compliance date in such a legally enforceable order, in lieu of that in 35 Ill. Admin. Code § 217.152(a) for installing pollution control and monitoring equipment. The proposed amendment would shift the date for securing such an order from December 31, 2009 to May 7, 2010.

This request is necessary since Saint-Gobain experienced unexpected delays when negotiating the global consent decree (“Consent Decree”) that was the basis for 35 Ill.

Admin. Code § 217.152(b). Despite Saint-Gobain and the Illinois Environmental Protection Agency signing the Consent Decree by the December 31, 2009 deadline, some other parties had not yet signed the Consent Decree at that time. It should be noted that the United States Environmental Protection Agency ("USEPA"), the Department of Justice, ten states, and two local environmental agencies were parties to the Consent Decree.

Saint-Gobain would like to reiterate that the proposed amendment does not extend the substantive compliance date in 35 Ill. Admin. Code § 217.152(b) for installing pollution control and monitoring equipment that fall under such legally-enforceable orders. That is, Saint-Gobain will still be required to meet the deadline of December 31, 2014 for compliance with the requirements in 35 Ill. Admin. Code Part 217, Subpart G and the Consent Decree. Therefore, the proposed amendment would provide the same environmental benefit as the existing rule.

Saint-Gobain would also like to alert the Board to a recent development related to Illinois' NOx Reasonably Available Control Technology ("RACT") regulations, including 35 Ill. Admin. Code Part 217, Subpart G for Glass Melting Furnaces. Based on the most recent three years of monitoring data, which show attainment of the 1997 8-hour ozone standard in the Chicago area, USEPA approved Illinois' request for a waiver from the NOx RACT requirements of the Clean Air Act in the Illinois portions of the Chicago-Gary-Lake County, IL-IN 8-hour ozone nonattainment area. 76 Fed. Reg. 9655 (Feb. 22, 2011). USEPA determined that data demonstrates "that additional reduction of NOx emissions in these areas would not contribute to attainment of the 1997 8-hour ozone

NAAQS.” *Id.* This reinforces Saint-Gobain's assertion that its proposed amendment would have no detrimental impacts on the area's attainment designations.

Accordingly, Saint-Gobain respectfully requests that the Board grant its petition for an amendment to the site-specific rule.

Respectfully submitted,

Date: March 4, 2011

By: /s/Matthew C. Read
One of its Attorneys

N. LaDonna Driver
Matthew C. Read
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

SGCO:005/Filings/Post Hearing Comments

CERTIFICATE OF SERVICE

I, Matthew C. Read, the undersigned, certify that I have served the attached
POST-HEARING COMMENTS OF SAINT-GOBAIN CONTAINERS, INC., upon:

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

via electronic mail on March 4, 2011; and upon:

Gina Roccaforte, Esq.
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-92

Matthew Dunn, Esq.
Division Chief of Environmental
Enforcement
Office of the Attorney General
69 West Washington Street, 18th Floor
Chicago, Illinois 60602

Virginia Yang, Esq.
Office of Legal Services
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702

Alec M. Davis, Esq.
Illinois Environmental Regulatory
Group
215 East Adams Street
Springfield, Illinois 62701

Timothy Fox, Esq.
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Suite 11-500
Chicago, Illinois 60601

by depositing said documents in the United States Mail, postage prepaid, in Springfield,
Illinois on March 4, 2011.

By: /s/Matthew C. Read
Matthew C. Read