

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**IN THE MATTER OF:** )  
 )  
 **AMENDMENTS TO 35 ILL. ADM.** )  
 **CODE PART 223 STANDARDS AND** ) **R12 - 8**  
 **LIMITATIONS FOR ORGANIC** ) **(Rulemaking – Air)**  
 **MATERIAL EMISSIONS FOR AREA** )  
 **SOURCES** )  
 )

**NOTICE**

TO:

**Katherine D. Hodge  
Hodge Dwyer & Driver  
3150 Roland Ave.  
PO Box 5776  
Springfield, Illinois 62705-5776**

**Alec M. Davis  
Illinois Environmental  
Regulatory Group  
215 East Adams St.  
Springfield, Illinois 62701**

**John Therriault, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601**

**Matthew J. Dunn, Chief  
Environmental  
Enforcement/Asbestos  
Litigation Division  
Illinois Attorney General's Office  
69 West Washington Street, 18th  
Floor  
Chicago, IL 60602**

**Mitchell Cohen  
Chief Legal Counsel  
Illinois Dept. of Natural Resources  
One Natural Resources Way  
Springfield, Illinois 62702-1271**

**Mark A. Biel  
Chemical Industry Council of IL  
400 West Monroe  
Suite 205  
Springfield, Illinois 62704**

**Tim Fox  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601**

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the POST-HEARING COMMENTS of the Illinois Environmental Protection Agency a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: /s/ Charles E. Matoesian  
Charles E. Matoesian  
Assistant Counsel  
Division of Legal Counsel

DATED: December 14, 2011  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217.782.5544  
217.782.9143 (TDD)

**THIS FILING IS SUBMITTED  
ON RECYCLED PAPER**

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POST-HEARING COMMENTS

NOW COMES the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), by one of its attorneys, and hereby submits its post-hearing comments in the above rulemaking proceeding. The Illinois EPA has reviewed the transcript of the November 18, 2011, hearing and responds to the information requests as follows.

In his prefiled testimony Mr. Yost suggested three points. Concerning these, the Agency does not object to his first request for the clarification of the effective date that preserves the sell through of product manufactured and date coded before July 1, 2012.

The Agency does however, object to his second point to strike a restriction on the “General Purpose Degreaser” category that the Agency recommended. Illinois EPA’s position is that we believe we should keep our rules consistent with other states that also have used the Ozone Transport Commission (“OTC”) model rule for consumer products. We therefore disagree with the second recommendation from Mr. Yost.

When proposing the rules at issue, the Illinois EPA stated that the desire was to keep the Illinois rules consistent with similar rules in other states. This would allow Illinois to rely on the technical analysis completed by other states and prevent the need to sell different products in Illinois from what are being sold in other states. Mr. Yost’ second point to delete a restriction on

the “General Purpose Degreaser” category would conflict with this. Upon questioning at hearing Mr. Yost stated that to strike that restriction would be “precedent setting...” Transcript of November 18, 2011, hearing, page 12, line 2. He further admitted that it would make the Illinois rule, “inconsistent with the ten states that oppose this similar restriction.” Tr. of No. 18., p. 13, l. 21 – 22. Thus, the important principal of consistency, which has been the underpinning of the rule since its creation, would be violated.

In addition, Mr. Yost further answered affirmatively when asked if other states had compliant products which could be sold with the restriction in effect. Tr. of Nov. 18., p. 14, l. 6. Thus, compliant products already exist and are being sold in numerous states across the nation. But, again, Mr. Yost agreed that striking the restriction would result in unique products being sold in Illinois that are not sold in the other OTC states. *Id.* l. 10 – 12. The Illinois EPA believes strongly that the principal of consistency be honored when amending the rule. Diversions from that principal could unknowingly leave the rule open to attack on other points.

At hearing, Mr. Yost withdrew his third request to strike “Aerosol Adhesive” from Section 211. However, although the recommendation was withdrawn, further discussion involving Mr. Rao led Illinois EPA to re-examining the issue. Mr. Rao had asked the Illinois EPA to reflect on whether it might be advantageous to add the Section 211(b) language to Section 208 so that all categories of products would have the “impurities” allowance. Having considered the matter, Illinois EPA’s recommendation is to indeed remove the term “Aerosol Adhesives” from this Section 211 list. However, if the IPCB decides to do this, additional language should be added to account for an “impurities” allowance in Section 223.208. This is responsive to Mr. Yost’s concern over the same prohibition appearing in two different sections of the rule, and is responsive to Mr. Rao’s concern that the prohibition in Section 223.208 did not

account for impurities. Such a change should not be controversial because the language for impurities only allows for a very small quantity of the prohibited materials that may unintentionally be included in the product.

The Agency agrees, and proposes the following language:

**Section 223.211 Requirements for Adhesive Removers, ~~Aerosol Adhesives, Contact Adhesives, Electrical Cleaners, Electronic Cleaners, Footwear or Leather Care Products, General Purpose Degreasers, and Graffiti Removers~~**

~~a)~~ a. ~~Effective July 1, 2012, n~~No person shall sell, supply, offer for sale, or manufacture for use in Illinois any Adhesive Removers, ~~Aerosol Adhesives, Contact Adhesives, Electrical Cleaners, Electronic Cleaners, Footwear or Leather Care Products, General Purpose Degreasers, and Graffiti Removers~~ manufactured on or after July 1, 2012, that contain any of the following compounds: methylene chloride, perchloroethylene, or trichloroethylene

~~b)~~ b. Impurities

The requirements of Section 211(a) do not apply to any Adhesive Removers, ~~Aerosol Adhesives, Contact Adhesives, Electrical Cleaners, Electronic Cleaners, Footwear or Leather Care Products, General Purpose Degreasers, and Graffiti Removers~~ containing methylene chloride, perchloroethylene, or trichloroethylene that is present as an impurity in a combined amount equal to or less than 0.01% by weight.

The language above reflects an additional correction. When drafting the rule, the IEPA inadvertently led subsections (a) and (b) of Section 223.208 with letters followed by periods rather than parentheses. The language thus appears “a.” and “b.” when it should read “a)” and “b)” so as to conform with standard drafting procedures. The Illinois EPA recommends correcting this error.

Section 229.208 should appear thus:

**Section 223.208 Requirements for Aerosol Adhesives**

a) As specified in California Code § 41712(h)(2), incorporated by reference in Section 223.120, the standards for aerosol adhesives apply to all uses of aerosol adhesives, including consumer, industrial, and commercial uses. Except as otherwise provided in Sections 223.207, 223.230, 223.240, and 223.245, no person shall sell, supply, offer for sale, use or

manufacture for sale in Illinois any aerosol adhesive that, at the time of sale, use, or manufacture, contains VOMs in excess of the specified standard.

- b) Special Purpose Spray Adhesive.
- 1) In order to qualify as a Special Purpose Spray Adhesive the product must meet one or more of the definitions for Special Purpose Spray Adhesive specified in Section 223.203, but if the product label indicates that the product is suitable for use on any substrate or application not listed in one of the definitions for Special Purpose Spray Adhesive, then the product shall be classified as either a Web Spray Adhesive or a Mist Spray Adhesive.
  - 2) If a product meets more than one of the definitions specified in Section 223.203 for Special Purpose Spray Adhesive and is not classified as a Web Spray Adhesive or Mist Spray Adhesive under Section 223.203, then the VOC limit for the product shall be the lowest applicable VOM limit specified in Section 223.205(a).
- c) Effective July 1, 2009, no person shall sell, supply, offer for sale, or manufacture for use in Illinois any aerosol adhesive that contains any of the following compounds: methylene chloride, perchloroethylene, or trichloroethylene. These requirements do not apply to any aerosol adhesive containing methylene chloride, perchloroethylene, or trichloroethylene that is present as an impurity in a combined amount equal to or less than 0.01% by weight.
- d) All aerosol adhesives must comply with the labeling requirements specified in Section 223.265.

This includes the new language offering an "impurities" allowance. If this language is added it would serve the interests of the Illinois rule by making it more consistent with the California and OTC states' rules.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY



Charles E. Matoesian  
Assistant Counsel

DATED: December 14, 2011  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544



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