

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS)
Complainant,)
v.) PCB 04-16
) (Enforcement – Air)
PACKAGING PERSONIFIED, INC., an)
Illinois Corporation)
Respondent.)

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MAY 06 2013
STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

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PLEASE TAKE NOTICE that on Monday, May 06, 2013, we filed the attached Respondent's Response to Complainant's Motion In Limine to Admit Publication of Richard Trzupsek and Cross Motion In Limine to Admit Additional Publications of Richard Trzupsek attached thereto, via hand delivery with the Clerk of the Illinois Pollution Control Board, copies of which are hereby served upon you.

Respectfully submitted,

PACKAGING PERSONIFIED, INC.

BY: Roy M Harsch

One of Its Attorneys

Roy M. Harsch, Esq.
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THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
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**RESPONDENT'S RESPONSE TO COMPLAINANT'S
MOTION *IN LIMINE* TO ADMIT PUBLICATION OF RICHARD TRZUPEK
AND CROSS MOTION *IN LIMINE* TO ADMIT ADDITIONAL
PUBLICATIONS OF RICHARD TRZUPEK**

NOW COMES Respondent, PACKAGING PERSONIFIED, INC., by ROY HARSCH, ESQUIRE, and responds to the Complainant's Motion *in Limine* to admit published material authored by Richard Trzupek as evidence in this matter.

Respondent has no objection to the admission of the book chapter cited by Complainant in its Motion in Limine, although the introduction of this material is merely a ploy meant to distract the Board from the sound science that underlies Mr. Trzupek's stack test methods and calculations. The fact that the Complainant disagrees with Mr. Trzupek's viewpoint about environmental regulation is not a basis for disqualifying his technical or scientific judgment, nor does it diminish the validity of his professional opinion.


Respondent takes issue with Complainant's characterization of the contents of the chapter, and with Complainant's implication that this chapter is representative of Mr. Trzupek's general views on environmental regulation. Respondent believes that in order to present the Board with an accurate representation of Mr. Trzupek's views, a larger sampling of his publications is necessary. Respondent hereby cross-moves to admit the additional publications

by Mr. Trzupek that are set forth in Exhibit A, attached hereto. These documents include articles as well as Congressional testimony by Mr. Trzupek that show that he has consistently taken the position that environmental regulation must be based on true science and not on the popular beliefs of the moment.

WHEREFORE, Respondent, PACKAGING PERSONIFIED, INC., respectfully requests that the Hearing Officer grant its Cross Motion *in Limine*, and allow use of the documents listed on Exhibit A to support Mr Trzupek's expert testimony and to counter Complainant's allegations of bias in this matter.

Respectfully submitted,

PACKAGING PERSONIFIED, INC.

BY: 

One of Its Attorneys

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John A. Simon, Esq.
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Publications by Richard Trzupek on environmental and energy topics

Congressional documents:

“The State of the Environment: Evaluating Progress and Priorities” Written testimony of Richard Trzupek, Principal Consultant, Trinity Consultants, Inc., before the Committee on Science, Space, & Technology, Environment Subcommittee, U.S. House of Representatives, February 14, 2013.

Oral testimony of Richard Trzupek, Principal Consultant, Trinity Consultants, Inc., before the Committee on Science, Space, & Technology, Environment Subcommittee, U.S. House of Representatives, February 14, 2013.

Richard Trzupek, Written Disclosure form (“Truth in Testimony”), signed February 11, 2013.

“Cost and Benefits of Environmental Regulations” Written testimony of Richard Trzupek, Principal Consultant, Trinity Consultants, Inc., before the Committee on Science, Space, & Technology, Energy & Environment Subcommittee, U.S. House of Representatives, June 6, 2012.

Oral testimony of Richard Trzupek, Principal Consultant, Trinity Consultants, Inc., before the Committee on Science, Space, & Technology, Environment Subcommittee, U.S. House of Representatives, June 6, 2012.

Richard Trzupek, Written Disclosure form (“Truth in Testimony”), signed May 30, 2012.

Books:

Rich Trzupek, *How the EPA's Green Tyranny is Stifling America* Encounter BroadSides, 2011

Rich Trzupek, *Regulators Gone Wild: How the EPA is Ruining American Industry* Encounter Books, 2011

Richard Trzupek, *Air Quality Compliance and Permitting Manual* McGraw-Hill Professional Engineering, 2002

Heartland Institute publications:

Richard J. Trzupek, “EPA’s Coal Decision Creates Vulnerability” *Heartlander* magazine
May 17, 2012

Richard J. Trzupek and James M. Taylor, J.D., “Heartland Institute Responds to EPA Emissions Rule” March 27, 2012

Richard J. Trzupek, "Heartland Institute Review and Comment: Chemicals of Concern"
January 31, 2012

James M. Taylor, J.D., and Richard J. Trzupek, "Heartland Institute Reacts to Obama's Rejection
of Keystone XL Pipeline" January 18, 2012

Rich Trzupek, "Reality Check" *Somewhat Reasonable* blog January 17, 2012

Rich Trzupek, "'Green' Energy Industry a Leading Recipient of Corny-Capitalist Coddling"
December 9, 2011

Rich Trzupek, White Paper: "Technical Complications in EPA's New Greenhouse Gas Emission
Limits" November 30, 2010

Heartland Institute audio / video / podcasts:

"Heartland's Richard Trzupek on the Dennis Prager Show" July 18, 2012 (audio podcast)

"Rich Trzupek: EPA's Regulatory Overreach" November 18, 2011 (audio podcast)

"Richard Trzupek Talks About his New Book 'Regulators Gone Wild'" September 20, 2011
(video)

Commentary in *The Washington Times*:

Rich Trzupek, "EPA witch hunts on taxpayer dime" November 7, 2012

Rich Trzupek, "Age of environmental fear" January 24, 2012

Articles in *Real Clear Energy*:

Rich Trzupek, "The EPA's Lisa Jackson is Clueless" November 22, 2011

Rich Trzupek, "Natural Gas Will Repower America" October 18, 2011

Interview on *Climate Realist* blog:

Rael Jean Isaac, interview with Rich Trzupek, author of "Regulators Gone Wild"
October 17, 2011

Blog postings on Breitbart.com:

- “The EPA: Economic ‘Savior’ or Jolly Green Tyrant?” June 2, 2011
- “The EPA’s Lisa Jackson and her Wild ‘Wealth Creation’ Claims” September 23, 2010
- “Shilling for ‘Green Energy,’ the New York Times Keeps up its Relentless, Partisan and Ignorant Assault on the Koch Brothers” September 21, 2010
- “MSM AWOL from a Non-Ideological Climate Conference” May 18, 2010
- “Clueless MSM Way Out of its Depth in Gulf Oil Spillage” May 9, 2010
- “Flood, Famine, Fear, and Environmental Porn: Newsweek Devotes ‘Special Edition’ to Global Warming Hysteria” April 27, 2010
- “Environmental Injustice: Attacking Industry in a Poor Community” April 2, 2010
- “Obama’s Rx for America: Green Jobs and Healthcare Blues” March 29, 2010
- “The Stupidity, Futility, and Fantasy of ‘Earth Hour’” March 17, 2010
- “The Attack on Coal Continues: Trashing Coal Ash Recycling” February 24, 2010
- “Unintended Consequences: Battling ‘Climate Change’” February 16, 2010
- “The Death of ‘Global Warming’? We Still Need to Drive in the Stake” February 12, 2010
- “Drilling Down Into Obama’s Energy Promises” February 6, 2010
- “Bluff and Bluster: The Real Story Behind EPA Regulating Greenhouse Gases [Part 2]” February 2, 2010
- “Bluff and Bluster: The Real Story Behind EPA Regulating Greenhouse Gases [Part 1]” February 1, 2010
- “Ready for Act Two? The Global Warming Drama Will Play On” January 21, 2010
- “Penetrating the Smog: How the EPA and the Media Distort Climate Science” January 13, 2010

Blog postings on FrontPageMag.com:

- “EPA’s ‘Crucifixion’ of Energy Sector Exposed” April 27, 2012
- “Obama’s Energy Follies Continued” April 24, 2012
- “Obama Delivers a Death Blow to Coal Industry” March 30, 2012
- “Obama’s Solar Alchemy” March 23, 2012
- “A Victory Against Obama’s Green Tyranny” March 22, 2012
- “Debunking Obama’s Energy Policy Lies” March 13, 2012
- “Eco-Radical Defrauds Conservative Institute” February 28, 2012
- “Sabotaging America: the Obama Energy Agenda” February 24, 2012
- “Obama’s Enviro-Fat Cat Welfare Program” February 20, 2012
- “An Administration’s Green Fiascos Pile Up” February 1, 2012
- “Killing Keystone” January 19, 2012
- “Canadian Oil Project Drifts Closer to China” January 17, 2012
- “Obama’s Enviro-Racketeering” January 12, 2012
- “Obama’s EPA Terrorizes Couple Over Their Dream Home” January 4, 2012

- “The Keystone Conundrum” December 20, 2011
- “The Keystone Evasion” November 15, 2011
- “California’s Green Power Crisis” October 25, 2011
- “Solargate Spreads” September 30, 2011

“Alberta-Texas Pipeline a Ray of Hope” September 29, 2011
“A Lesson in Good Science for the Global Warming Faithful” September 28, 2011
“Another Global Warming Dissenter Stands Up” September 20, 2011
“Obama’s Environmental Lesson” September 6, 2011
“The Crude Logic of Daryl Hannah” September 1, 2011
“Krugman Fails Climate Science 101” August 30, 2011
“Ozone Back in the No-Zone” August 12, 2011
“‘Green’ Crime Pays Dividends” July 29, 2011
“Can the Tea Party Save the Light Bulb?” July 13, 2011
“Obama’s Crude Politics” June 27, 2011
“Ethanolics Anonymous” June 17, 2011
“We Need a Hearing on Fed’s Role in Gas Prices” May 13, 2011
“Twisting the Meaning of Twisters” May 3, 2011
“An Energy Policy designed to Fail” March 17, 2011
“Nuclear Disaster in Japan?” March 15, 2011
“Energy Policy at the Crossroads” January 5, 2011

“Obama’s Energy Power Grab” December 30, 2010
“When Cooling Becomes Warming” December 29, 2010
“Al Gore’s Green Blasphemy” “November 23, 2010
“Cap and Trade Returns” November 19, 2010
“The Losing Game of Ethanol” October 15, 2010
“Did Obama Spike the Spill?” October 8, 2010
“Inside the Eco-Fascist Mind” October 6, 2010
“Washington’s Green Power Trip” September 17, 2010
“The Face of Eco-Terrorism” September 7, 2010
“UCLA’s Scientist Purge” August 24, 2010
“Senate, House Push Energy Dependence” August 4, 2010
“When Cap and Trade Died” July 26, 2010
“Disappearing Cap and Trade” July 22, 2010
“Science in an Echo Chamber” July 6, 2010
“Obama’s Energy Myth” June 28, 2010
“Doubling Down on Disaster” June 25, 2010
“The BP Oil Disaster: Big Government’s Dream Come True” June 17, 2010
“Climate Consensus or Con?” May 28, 2010
“The Wind Farm Scam” May 26, 2010
“The Anti-Copenhagen” May 21, 2010
“The Return of Cap and Trade” May 19, 2010
“Lessons from a Disaster” May 5, 2010
“Hollywood’s Green Hypocrisy” April 29, 2010
“America Already a Green Exemplar” April 22, 2010
“The Government Greenpeace” April 14, 2010
“Montcoal and the Permanence of Risk” April 13, 2010
“Getting Gas Wrong” April 8, 2010
“Drill, Maybe, Drill” April 5, 2010
“Green Jobs: The Road to Ruin” March 25, 2010

“The Inconvenient Truth About Hurricanes” March 23, 2010
“Hot Air on Greenhouse Gas” March 10, 2010
“Glass Dismissed” March 4, 2010
“A Bad Reason to Recycle” February 26, 2010
“The Science is Not Settled” February 17, 2010
“The War on Coal” February 16, 2010
“The Death of Global Warming?” February 2, 2010
“Global Warming Dogma Melts in Glaciergate” January 27, 2010
“Politicizing Smog” January 13, 2010
“The Heretics: Scientists Who Have Dared to Defy the Environmental Left:
 Dr. Julian Simon” March 2, 2010
 McIntyre and McKittrick” February 19, 2010
 Anthony Watts” February 9, 2010
 Lord Christopher Monkton” January 29, 2010
 Dr. Roy Spencer” January 12, 2010
 Dr. Craig Idso” January 6, 2010
 Steve Milloy” January 5, 2010

“Hopenhagen Goes Bust” December 21, 2009
“The China Problem in Copenhagen” December 17, 2009
“Climategate’s Inconvenient Truth” December 15, 2009
“How to Stop Cap-and-Trade” December 10, 2009

CERTIFICATE OF SERVICE

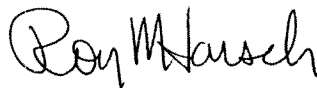
The undersigned certifies that a copy of the foregoing **Respondent's Response to Complainant's Motion *In Limine* to Admit Publication of Richard Trzupek and Cross Motion *In Limine* to Admit Additional Publications of Richard Trzupek** was filed via hand delivery with the Clerk of the Illinois Pollution Control Board and served upon the parties below by U.S. First Class Mail and electronically on **Monday, May 6, 2013.**

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