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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: )  
)  
PETITION OF CROMWELL-PHOENIX, INC. )  
FOR AN ADJUSTED STANDARD FROM )  
35 ILL. ADM. CODE 218.204(c) )

AS 03-05  
(Adjusted Standard - Air)

NOTICE

TO: Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Bradley Halloran, Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

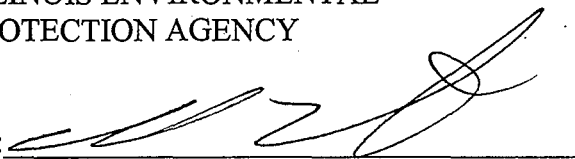
Eric Boyd  
Lorena Neal  
Seyfarth Shaw  
55 E. Monroe Street, Suite 4200  
Chicago, Illinois 60603-5803

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

Date: August 29, 2003

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: \_\_\_\_\_

  
Charles E. Matoesian  
Assistant Counsel  
Division of Legal Counsel

1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
217/782-5544

THIS FILING IS SUBMITTED ON  
RECYCLED PAPER

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*Pollution Control Board*  
AS 03-05  
(Adjusted Standard-Air)

**RESPONDENT'S POST-HEARING BRIEF**

NOW COMES the Illinois Environmental Protection Agency ("Illinois EPA") by its attorney, Charles E. Matoesian, and hereby submits its Post-Hearing Brief with the Illinois Pollution Control Board ("Board") in this matter. In support of this Post-Hearing Brief, the Illinois EPA states as follows:

1. Cromwell-Phoenix, Inc. ("Cromwell") filed its Petition for Adjusted Standard ("Petition") on May 29, 2003, pursuant to section 28.1 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/28.1, and the regulations of the Board under 35 Ill. Adm. Code Subpart D Section 104.402. The Petition requested that the Board grant Cromwell an adjusted standard from the volatile organic material ("VOM") emission limitation of 35 Ill. Adm. Code Part 218, Subpart F, Section 218.204(c), as it applies to the VOM emissions from Cromwell's corrosion inhibiting ("CI") packaging materials production facility in Alsip, Cook County, Illinois.

2. On June 19th, 2003, the Board found that the Cromwell petition met the requirements of 35 Ill. Adm. Code Section 104.406 and accepted the matter for hearing.

3. On July 14th, 2003, the Illinois EPA filed its recommendation with the Board recommending that the Board GRANT the Petition for Adjusted Standard with additional conditions which have been agreed to by the Petitioner.

4. A hearing was held on this matter on August 8th, 2003. No testimony was presented by either party to the action. However, certain questions were posed by Ms. Alisa Liu of the Board's technical staff. The Hearing Officer, Mr. Bradley P. Halloran, determined that the questions should be addressed by the parties in their post-hearing briefs. See Transcript p. 5, Lines 7-9.

5. The questions were primarily directed at clarifying points in the Petitioner's Brief. This reply is concerned solely with the few questions addressed to the Illinois EPA and any concerns the Illinois EPA has with the Petitioner's post-hearing brief.

6. On page 6 of the Petitioner's post-hearing brief, and then again on Page 3 of Exhibit 2 (Mark Horne's affidavit), Cromwell makes an error in stating the amount of emissions in the Chicago Nonattainment Area (NAA). While Cromwell did use the correct numbers on a tons per day basis, they erred by assuming that multiplying those numbers by 365 would provide the annual VOM emissions. In fact, the Periodic Emissions Inventory only provides emissions for a typical weekday during the ozone season. Many factors go into the calculation of this daily emission. For example, some companies run more (or less) during the summer; many companies do not run on weekends; many of the area and mobile source factors depend on summer temperatures and activity (for example, there would not be much lawn mowing in February). Thus, the annual emissions are not 352,345.45 tons, as Cromwell calculated.

7. That said, Illinois EPA agrees with the company that the five or six annual tons of VOM it emits is a small contributor to the overall emissions in the Chicago NAA. The total point source emissions on a summer weekday basis are, as Cromwell cited, 112.09 tons per day. Cromwell's emissions, at six tons per *year*, are a very small percentage of that total.

8. On page 21 of the transcript, Ms. Liu asks if the Illinois EPA agrees with Cromwell's assertion that the relief granted in an adjusted standard would only apply to the CI coating material application and not the printing done prior to the CI coating. The Illinois IPA agrees with Cromwell that this adjusted standard covers only the paper coating portion of the Board's rules. All printing done by the source should continue to be done in compliance with the existing rules for such printing.

9. The Illinois EPA would also like to note that the recommended condition limiting the adjusted standard for Cromwell to equipment and emissions sources that are already at the facility as of July 14, 2003, has been agreed to by the facility, as was clarified in their answer to Ms. Liu on page 24 of the transcript. The Agency continues to believe that condition is necessary.

10. Aside from the aforementioned matters, the Illinois EPA does not take issue with the answers provided by the Petitioner in its Post-Hearing Brief.

WHEREFORE, for the reasons stated herein, the Illinois EPA recommends that  
Cromwell's Petition for an Adjusted Standard be granted with conditions.

Respectfully Submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

BY: 

Charles E. Matoesian  
Assistant Counsel  
Division of Legal Counsel

DATED: August 29, 2003  
1021 N. Grand Ave. East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF SANGAMON )

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached Respondent's Post-Hearing Brief upon the person to whom it is directed, by placing it in an envelope addressed to:

TO: Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Bradley Halloran, Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60661

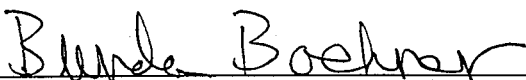
Eric Boyd  
Lorena Neal  
Seyfarth Shaw  
55 E. Monroe Street, Suite 4200  
Chicago, Illinois 60603-5803

and mailing it by First Class Mail from Springfield, Illinois on August 29, 2003, with sufficient postage affixed.



SUBSCRIBED AND SWORN TO BEFORE ME

this 29<sup>th</sup> day of August, 2003

  
\_\_\_\_\_  
Notary Public

