

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

MAR 24 2005

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
PETITION OF SCA TISSUE NORTH AMERICA,) AS 2005-04
L.L.C., FOR AN ADJUSTED STANDARD FROM) (Adjusted Standard-Air)
35 ILL. ADM. CODE 218.301 AND 218.302(C).)

NOTICE

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

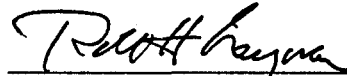
Brad Halloran
Hearing Officer
James R. Thompson Center
Suite 11-500
Chicago, Illinois 60601

John J. Privitera
McNamee, Lochner, Titus & Williams, P.C.
75 State Street
P.O. Box 459
Albany, New York 12201-0459

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original (1) and ten (10) copies of an APPEARANCE and RECOMMENDATION of the Respondent, Illinois Environmental Protection Agency, a copy of which is herewith served upon the assigned Hearing Officer and the attorney for the Petitioner, SCA Tissue North America, L.L.C.

Respectfully submitted by

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY



Robb H. Layman
Assistant Counsel
Division of Legal Counsel

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
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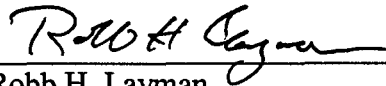
) AS 2005-04
) (Adjusted Standard-Air)
)

APPEARANCE

NOW COMES Robb Layman, Assistant Counsel, and enters his appearance on
behalf of the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, in
the above-captioned matter.

Respectfully submitted by,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY



Robb H. Layman
Assistant Counsel
Division of Legal Counsel

March 21, 2005
Illinois Environmental Protection Agency
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
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IN THE MATTER OF:)
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PETITION OF SCA TISSUE NORTH AMERICA, L.L.C.)
FOR AN ADJUSTED STANDARD FROM)
35 ILL. ADM. CODE 218.301 AND 218.302(C))

STATE OF ILLINOIS
Pollution Control Board
AS 2005-04
(Adjusted Standard-Air)

RECOMMENDATION

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA") hereby submits its Recommendation in the above-captioned matter in accordance with the Pollution Control Board's ("Board") procedural requirements of 35 Ill. Adm. Code 104.416. The Illinois EPA supports the Petition for Adjusted Standard (hereinafter "Petition") sought by SCA TISSUE NORTH AMERICA, L.L.C., ("SCA Tissue"), in this proceeding and recommends that the Board **GRANT** the Petition subject to the terms and conditions contained herein. In support of this Recommendation, the Illinois EPA states as follows:

BACKGROUND

SCA Tissue filed its Petition for Adjusted Standard (hereinafter "Petition") with the Board on February 4, 2005, pursuant to Section 28.1 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/28.1, and the Board's regulations promulgated at 35 Ill. Adm. Code 104.402.

The Board accepted the Petition for hearing in an order dated March 3, 2005, and, further, granted the Petitioner's Motion for incorporation of the record of a prior docket. In its order, the Board also observed that the Illinois EPA's recommendation must be filed within 45 days of receipt of the petition, as required by Section 104.416(a) of the Board's procedural regulations at

Title 35 of the Illinois Administrative Code.

The Illinois EPA was served a copy of the Petition on February 8, 2005. The Illinois EPA's filing of the recommendation is therefore due on Friday, March 25, 2005.

REQUESTED RELIEF

The Petition requests that the Board grant SCA Tissue an adjusted standard from 35 Ill. Adm. Code 218.301 and 218.302(c) as applied to the emissions of volatile organic material ("VOM") from SCA Tissue's tissue manufacturing facility, located in Alsip, Illinois.

Section 218.301 of Title 35 of the Illinois Administrative Code, entitled "Use of Organic Material," establishes a blanket emission limit of 8 pounds per hour ("lbs/hr") for emission sources engaged in activities emitting VOM emissions in the Chicago metropolitan area. The regulation provides:

"No person shall cause or allow the discharge of more than 3.6 kg/hr (8 lbs/hr) of organic material into the atmosphere from any emission unit, except as provided in Sections 218.302, 218.303, 218.304 and the following exception: If no odor nuisance exists the limitation of this Subpart shall apply only to photochemically reactive material."

Emissions in excess of the 8 lbs/hour limit are permissible under the Board's Part 218 regulations only if the VOM emissions are controlled by the methods specified in its companion provision of 35 Ill. Adm. Code 218.302.

Section 218.302 of Title 35 of the Illinois Administrative Code, entitled "Alternative Standard," provides:

"Emissions of organic material in excess of those permitted by Section 218.301 of this Part are allowable if such emissions are controlled by one of the following methods:

- a) Flame, thermal or catalytic incineration so as either to reduce such emissions to 10 ppm equivalent methane (molecular weight 16) or less, or to convert 85 percent of the hydrocarbons to carbon dioxide and water; or,

- b) A vapor recovery system which adsorbs and/or condenses at least 85 percent of the total uncontrolled organic material that would otherwise be emitted to the atmosphere; or,
- c) Any other air pollution control equipment approved by the Agency and approved by the USEPA as a SIP revision capable of reducing by 85 percent or more the uncontrolled organic material that would be otherwise emitted to the atmosphere.

The provision essentially identifies the type of control options that are available to a source in complying with the 8 lbs/hr limit established in Section 218.301.

The issue surrounding the tissue manufacturing facility's compliance with the 8 lbs/hr limit arose in the context of a formal enforcement action originally filed in June 2002 against SCA Tissue and its predecessors (i.e., XCTC, Limited Partnership, Wisconsin Tissue Mills, Inc. and Georgia Pacific). The lawsuit principally addressed the facility's historical violations of the Board's New Source Review regulations for non-attainment areas and the emission control requirements governing "other emission units" under Subpart TT of Part 218.

During the course of settlement discussions, information necessary to obtain a Title I construction permit and a proposed demonstration of the Lowest Achievable Emission Reduction ("LAER") for the stationary source was exchanged between SCA Tissue, its consultants and the Illinois EPA. As part of the review of the aforesaid information, it was revealed that the paper machine operations were emitting VOM emissions at a rate greater than the 8 lbs/hr limit prescribed by Section 218.301. As more fully explained in SCA Tissue's Petition, the paper machine operations require the use of cleaning solvents to effectively remove "stickies" from the wire webs of the machines. [See, Petition at page 6]. These deposits become attached to the wire web and felt rolls of the tissue machines, causing holes to develop in the tissue sheets. The

periodic application of the cleaning solvents is necessary to control the damage from the build-up of stickies and is the source of VOM emissions that exceed the 8 lbs/hr rule. [*Id.*].

In the initial stages of this investigation, SCA Tissue suggested that certain emission reductions achieved at the facility through various process changes constituted "other air pollution control equipment" under Section 218.302(c). Based on the company's estimation, those process changes reduced historical VOM emissions even beyond the eighty-five percent emissions control requirements established in the subsection. [*See*, Petition at pages 8-9]. The Illinois EPA, however, ultimately disagreed with SCA Tissue's interpretation of Section 218.302(c). The Illinois EPA reasoned that the express language of the provision, as well as surrounding text of the Part 218 regulations, did not support a construction that encompassed the process changes undertaken by SCA Tissue.

Following subsequent discussions about the nature of the rule and its applicability to the tissue manufacturing facility, SCA Tissue presented evidence to the Illinois EPA indicating that prior process-related changes had substantially reduced VOM emissions and that additional controls were not economically feasible. Thereafter, the Illinois EPA encouraged SCA Tissue to pursue adjusted standard relief before the Board. To the Illinois EPA's knowledge, no other paper recycling manufacturers in Illinois are affected by Subpart G's requirements in the same or similar manner as SCA Tissue.

The Petition filed by SCA Tissue seeks an adjusted standard of one of the control options set forth in Section 218.302 so as to allow the company to comply with the 8 lbs/hr limit. SCA Tissue requests that the alternative standard primarily consist of the company's past and continuing implementation of process controls that have been implemented to satisfy a LAER

demonstration and achieve compliance with Subpart TT of Part 218.

DESCRIPTION OF THE FACILITY

The tissue manufacturing facility owned by SCA Tissue is located at 13101 South Pulaski Road in Alsip, Cook County, Illinois. SCA Tissue produces approximately 200 tons of tissue and toweling products from recycled wastepaper in a day. [See, Petition at page 3]. A full and accurate description of the tissue manufacturing facility, including the paper machine operations and associated cleaning processes that are the subject of this regulatory proceeding, is set forth in SCA Tissue's Petition at pages 2 through 6. The Illinois EPA is satisfied that the Petition adequately identifies the nature of the emissions-related activity that is the subject of adjusted standard relief in this proceeding.

STANDARD OF REVIEW

Section 28.1 of the Act states that the Board may grant individual adjusted standards from rules of general applicability whenever the Board determines that an applicant can justify an adjustment. In the absence of a level of justification specified by the Board in the rule itself, as is the case in this instance, criteria set forth in Section 28.1(c) of the Act guide the Board in evaluating requests for adjusted standards. [See, 415 ILCS 5/28.1(c)(2002)].

Section 28.1(c) states that the Board may grant individual adjusted standards whenever the Board determines that:

- (1) Factors relating to that petitioner are substantially and sufficiently different from the factors relied upon by the Board in adopting the general regulations applicable to that petitioner;
- (2) The existence of those factors justifies an adjusted standard;
- (3) The requested standard will not result in environmental or health effects

substantially and sufficiently more adverse than the effects considered by the Board in adopting the rule of general applicability; and

- (4) The adjusted standard is consistent with any applicable federal law.

[See, 415 ILCS 5/28.1(c)(2002)].

In addition, the Board's procedural regulations impose various content requirements for petitions, some of which dovetail with the statutory requirements of Section 28.1. Section 104.406 of Title 35 of the Board's procedural regulations require a petition for adjusted standard to contain the following:

- a) A statement describing the standard from which an adjusted standard is sought. This must include the Illinois Administrative Code citation to the regulation of general applicability imposing the standard as well as the effective date of that regulation;
- b) A statement that indicates whether the regulation of general applicability was promulgated to implement, in whole or in part, the requirements of the CWA (33 USC 1251 et seq.), Safe Drinking Water Act (42 USC 300(f) et seq.), Comprehensive Environmental Response, Compensation and Liability Act (42 USC 9601 et seq.), CAA (42 USC 7401 et seq.), or the State programs concerning RCRA, UIC, or NPDES [415 ILCS 5/28.1];
- c) The level of justification as well as other information or requirements necessary for an adjusted standard as specified by the regulation of general applicability or a statement that the regulation of general applicability does not specify a level of justification or other requirements [415 ILCS 5/28.1] (See Section 104.426);
- d) A description of the nature of the petitioner's activity that is the subject of the proposed adjusted standard. The description must include the location of, and area affected by, the petitioner's activity. This description must also include the number of persons employed by the petitioner's facility at issue, age of that facility, relevant pollution control equipment already in use, and the qualitative and quantitative description of the nature of emissions, discharges or releases currently generated by the petitioner's activity;
- e) A description of the efforts that would be necessary if the petitioner was to comply with the regulation of general applicability. All compliance alternatives, with the corresponding costs for each alternative, must be discussed. The

discussion of costs must include the overall capital costs as well as the annualized capital and operating costs;

- f) A narrative description of the proposed adjusted standard as well as proposed language for a Board order that would impose the standard. Efforts necessary to achieve this proposed standard and the corresponding costs must also be presented;
- g) The quantitative and qualitative description of the impact of the petitioner's activity on the environment if the petitioner were to comply with the regulation of general applicability as compared to the quantitative and qualitative impact on the environment if the petitioner were to comply only with the proposed adjusted standard. To the extent applicable, cross-media impacts must be discussed. Also, the petitioner must compare the qualitative and quantitative nature of emissions, discharges or releases that would be expected from compliance with the regulation of general applicability as opposed to that which would be expected from compliance with the proposed adjusted standard;
- h) A statement which explains how the petitioner seeks to justify, pursuant to the applicable level of justification, the proposed adjusted standard;
- i) A statement with supporting reasons that the Board may grant the proposed adjusted standard consistent with federal law. The petitioner must also inform the Board of all procedural requirements applicable to the Board's decision on the petition that are imposed by federal law and not required by this Subpart. Relevant regulatory and statutory authorities must be cited;
- j) A statement requesting or waiving a hearing on the petition (pursuant to Section 104.422(a)(4) of this Part a hearing will be held on all petitions for adjusted standards filed pursuant to 35 Ill. Adm. Code 212.126 (CAA));
- k) The petition must cite to supporting documents or legal authorities whenever they are used as a basis for the petitioner's proof. Relevant portions of the documents and legal authorities other than Board decisions, State regulations, statutes, and reported cases must be appended to the petition;
- l) Any additional information which may be required in the regulation of general applicability.

[See, 35 Ill. Adm. Code 104.406].

**NATURE OF STANDARD
FOR WHICH RELIEF IS SOUGHT**

As correctly noted by SCA Tissue in its Petition, the Subpart G regulation evolved from an earlier version of emission controls on the use of organic material, as found at 35 Ill. Adm. Code 215.301 and, prior to that, Rule 205(f) of Chapter 2: Air Pollution, promulgated by the Board in 1971. Sections 218.301 and 218.302 were promulgated in 1991 as part of the creation of the Part 218 regulations. [See, In the Matter of: RACT Deficiencies in the Chicago Area: Amendments to 35 Ill. Adm. Code part 215 and the Addition of Part 218, R91-7 (July 25, 1991)]. The Part 218 regulations addressed deficiencies identified by the United States' Environmental Protection Agency ("USEPA") with respect to the Illinois' State Implementation Plan and provided for the imposition of Reasonably Available Control Technology ("RACT") among certain sources of VOM emissions located in the Chicago metropolitan area. The regulations were intended to implement requirements under the federal Clean Air Act.

Section 218.301 of the Subpart G regulations establishes a general emissions limitation with which all sources engaged in the use of organic material and located in the ozone non-attainment area of metropolitan Chicago must comply unless such sources are subject to another rule that specifically excludes the applicability of Section 218.301. As noted above, Section 218.302 provides three principle compliance options that sources may undertake as an alternative to the 8 lbs/hour limit. Notably, the list of compliance alternatives is limited to certain types of air pollution control equipment. The first and second options identify control requirements for flame, thermal or catalytic incineration devices and vapor recovery systems respectively. [See, 35 Ill. Adm. Code 218.302(a) and (b)]. The third option authorized under the Board's regulation

is for “any other” control equipment that achieves an eighty-five percent reduction in uncontrolled VOM emissions. [*See*, 35 Ill. Adm. Code 218.302(c)].

The Illinois EPA has traditionally interpreted the catch-all category of emissions controls under Section 218.302(c) as foreclosing the use of process-related emission units or modifications for achieving the requisite eighty-five percent emissions reduction. As the Illinois EPA explained in a letter to SCA Tissue in April 2004, [*see*, Petitioner’s Exhibit C], Section 218.302(c) employs the term “air pollution control equipment,” which is specifically defined under the Board’s Part 211 regulations as “any equipment or apparatus of a type intended to eliminate, prevent, reduce or control the emission of air contaminants to the atmosphere”. [*See*, 35 Ill. Adm. Code 211.410]. By defining the term according to its “intended” use or purpose, the Board’s definition denotes a class of control technologies whose function is the control of emissions. This class of equipment is distinct from process equipment, the latter of which may offer some incidental emission controls but generally do not require permitting under 35 Ill. Adm. Code Part 201.

It is also noteworthy that the terminology employed by the Board in Section 218.302 plainly refers to conventional types of control equipment. [*See*, Petitioner’s Exhibit C]. This approach is consistent with other Part 218 provisions wherein the Board has expressly identified the primary method of control in terms of emission capture and control equipment. [*See*, 35 Ill. Adm. Code 218.207; 35 Ill. Adm. Code 218.926(a), 218.946(a), 218.966(a) and 218.986(a)]. The Board’s choice of language in each of the aforementioned provisions is contrasted with other regulatory provisions that appear to support a broader, more inclusive approach. For example, several provisions allow subject sources to achieve emission reduction requirements through an

“equivalent alternative control plan” that is approved by both the Illinois EPA and USEPA. (i.e., 35 Ill. Adm. Code 218.966(b); 35 Ill. Adm. Code 218.782(b); 35 Ill. Adm. Code 218.926(c); 35 Ill. Adm. Code 218.946(b); and 35 Ill. Adm. Code 218.986(c)). This alternative approach to compliance can be broadly depicted as a type of plan or strategy whose principle focus is on “equivalency,” rather than the nature of the controls.

In the Illinois EPA’s view, a literal construction of Section 218.302(c) does not favor treating process equipment as conventional “air pollution control equipment.” For this reason, the Illinois EPA was compelled to reject SCA Tissue’s argument that its past process-related modifications resulting in significant emission reductions constituted air pollution control equipment under Section 218.302(c). The Illinois EPA is cognizant that various process modifications and source reduction techniques can achieve significant emission reductions for stationary sources of air pollution in the absence of conventional controls. While such “pollution prevention” opportunities should be encouraged, they cannot be read into the existing provisions of Section 218.302 in the absence of regulatory amendment.

COMPLIANCE ALTERNATIVES

In its Petition, SCA Tissue has outlined a variety of measures that the company and its predecessors have undertaken since the early 1990s to reduce VOM emissions from the tissue manufacturing operations. The focal point of the facility’s attention has been the paper machine operations, where cleaning solvents must be applied to remove “stickies” from the tissue machine forming wire webs. The stickies, which are created from the recycling of glue-containing magazines and wastepaper, have historically represented a “significant” constraint on SCA Tissue’s manufacturing operations, [*see*, Petition at page 6], thus becoming the subject of

several process and equipment modifications to both improve operating efficiency and reduce overall solvent usage.

SCA Tissue's predecessors initially modified the process of un-metered solvent spraying with new equipment featuring a controlled spray design, a soak cycle and water-based power wash. [See, Petition at page 12]. At approximately the same time, that company also implemented a change in the design of the detacifier and wire polymer application equipment, resulting in further reductions of VOM emissions for each cleaning cycle run during the operation. [See, Petition at pages 12-13; Petition's Attachment E]. In the late 1990s, another of SCA Tissue's predecessors redesigned some screening components in the manufacturing process at locations prior to the introduction of pulp to the paper machine wires, thereby producing a more effective removal of stickies and contributing to a reduction in the required frequency of solvent cleanings. [See, Petition at page 13]. Spray nozzles for the paper machine operations were also modified so as to reduce the quantity of solvent spent during each cleaning cycle. [Id.].

As described in its Petition, the various process and equipment modifications implemented by SCA Tissue and its predecessors resulted in a significant reduction in VOM emissions since the early 1990s. Emission calculations prepared by SCA Tissue indicate a nearly ninety-three percent reduction in VOM emissions since 1990 that are attributable to the process and equipment changes. [See, Petition at pages 13-14; Petition's Exhibit F and G].

The source reduction measures adopted by SCA Tissue and its predecessors, together with the substitution of the release oil used in the process, were an important consideration in the Illinois EPA's evaluation of the Lowest Achievable Emission Rate ("LAER") for the facility. In the absence of those measures and the resulting precipitous reduction in VOM emissions from

the facility, it is likely that add-on controls would have been required as LAER. Instead, cost estimates for potential add-on control technologies, as shown in the LAER evaluation, support the conclusion that add-on controls would be economically unreasonable. [See generally, Petition at pages 14-15; Exhibit B, Appendix E]. In addition, SCA Tissue documented qualitative concerns with add-on control devices in that they would potentially generate greater amounts of nitrogen oxide and carbon monoxide emissions than the reductions achieved in VOM emissions. [See, Exhibit B, page 3; pages 27-28].

The Illinois EPA ultimately concurred with the findings of the LAER report that are attached to SCA Tissue's Petition. A Title I Federally Enforceable Permit ("Title I permit") was issued to SCA Tissue on August 4, 2004, which expressly recognized that the facility will meet LAER. [See, Respondent's Exhibit A, Special Condition 4a (i) and (ii)]. Among other things, the Title I permit restricted cleanup materials and the release agent to an emissions limit of less than or equal to fifty percent by weight VOM. [Exhibit A, Special Condition 2.1.6 (b) and (c)].

In this instance, the Illinois EPA accepts SCA Tissue's findings from the LAER report for purposes of demonstrating the possible compliance alternatives available to the company, as well as the estimated costs related thereto, for complying with Subpart G. Each of the alternatives identified by SCA Tissue are economically unreasonable given the estimated cost-per-ton reduction in VOM emissions from the various emissions sources at the manufacturing facility.

It should be noted that SCA Tissue has also investigated possible raw material substitutions for the cleaning solvents and possible control options available to sources subject to the National Emissions Standards for Hazardous Air Pollutants ("NESHAPs"). The Illinois EPA

accepts SCA Tissue's assertion concerning the absence, to date, of cleaning solvent alternatives that either comply with the 8 lbs/hour limitation or that are non-photochemically reactive. [See, Petition at page 16; Petition's Exhibit H]. As shown in the Proposed Adjusted Standard section below, the Illinois EPA nonetheless recommends that SCA Tissue continue to investigate potential cleaning solvent alternatives. The Illinois EPA also accepts SCA Tissue's assessment that little information relating to Maximum Achievable Control Technology III source category is helpful or relevant in identifying available controls for the solvent cleaning operations.

JUSTIFICATION FOR ADJUSTED STANDARD

Upon review of SCA Tissue's Petition, the Illinois EPA finds that the requested adjusted standard is fully justified and supported by the relevant criteria by which the Board evaluates this form of requested regulatory relief. As discussed below, the Illinois EPA agrees with SCA Tissue's analysis concerning justification, including the existence of factors relating to SCA Tissue that are substantially and significantly different from the factors relied upon by the Board in adopting Subpart G, the absence of environmental impact and consistency with federal law.

A. Substantial and Significant Differences

Several factors make SCA Tissue's present situation substantially and significantly different from the considerations given by the Board to the Section 218.302(c). SCA Tissue's use of recycled paper in tissue manufacturing, which in itself is an environmental goal worth promoting, creates a serious impediment to the production process. The creation of "stickies" necessitates a cleaning operation to prevent degradation to the manufactured product. In SCA Tissue's experience, solvent cleaning operations are the most effective means of accomplishing this task. Unfortunately, the size of the wire webs that must be cleaned with the solvents are

sufficiently large enough as to require the application of more than 8 lbs/hour of solvent during each cleaning event. [See, Petition at page 22]. No solvent substitutes have been identified by SCA Tissue to date.

While the existence of environmental obstacles in any given manufacturing process may not be particularly unusual, SCA Tissue's situation is more unique because of the significant progress made by the company in recent years to reduce historical VOM emissions, much of which was accomplished through process modifications and materials substitutions relating to the cleaning solvent operations. Those efforts in reducing emissions admittedly did not directly relate to Subpart G's requirements but, rather, focused on SCA Tissue's attempts to obtain LAER for the facility and to achieve a minimum eighty-one percent overall control efficiency for those emission units covered by the Board's Part 218, Subpart TT regulations. However, neither SCA Tissue nor the Illinois EPA were aware of the company's noncompliance with Subpart G until late in the stages of the Title V/Clean Air Act Permit Program permit review. Even if the issue of noncompliance had been known, it is highly improbable that SCA Tissue's path towards compliance with Subpart G would have differed at all from those measures that were undertaken to address non-attainment area New Source Review and Subpart TT.

The principle dilemma precluding SCA Tissue's adherence to Subpart G's requirements is the narrowly-drawn language found in the catch-all provision of Section 218.302(c). As previously mentioned, the precise wording of the provision appears to limit a source's ability to employ potential source reduction techniques, including process modifications similar to those undertaken by SCA Tissue, in achieving an eighty-five percent reduction in VOM emissions from the use of organic materials. Because SCA Tissue's various process and equipment

modifications do not technically constitute a type of "air pollution control equipment," the company was confronted with only two options: installing add-on controls under circumstances that would ordinarily be economically unrealistic or, alternatively, seeking regulatory relief.

SCA Tissue asserts, and the Illinois EPA does not dispute, that the Board's Subpart G regulations could not have possibly anticipated the advances made in pollution prevention technologies since the early 1970s, when the original Rule 205(f) was promulgated, or even ten or more years ago, when SCA Tissue's predecessors began investigating improvements to its spray solvent operations. Indeed, the concept of pollution prevention and its evolving application to the field of air pollution control is a fairly recent development and could not have been envisioned by the Board when the basic framework of Rule 205 was promulgated over thirty years ago.

SCA Tissue also notes that the principle underpinnings of the original Rule 205, and by extension, the current Subpart G requirements, was to ensure that sources emitting organic materials did not violate federal National Air Quality Standards for ozone or cause an odor nuisance. [*See*, Petition at page 21]. The Board has generally accepted this proposition in similar situations. [*See*, In the Matter of: Petition of Crownline Boats, Inc., for an Adjusted Standard from 35 Ill. Adm. Code 215.301, AS 04-01 (July 22, 2002)]. Based on the proposed means of compliance which will be achieved by adherence to LAER and the underlying ninety-three percent reduction in historical VOM emissions brought about from process-related changes, the proposed adjusted standard will not impair compliance with applicable ozone standards or the prohibition of odor nuisances.

B. Environmental Impact

SCA Tissue contends that its proposed adjusted standard would not cause any adverse impact on the environment or public health. The Illinois EPA does not dispute SCA Tissue's assertion. Given the nature of the solvent cleaning operations and the fact that SCA Tissue has already reduced VOM emissions beyond the level of emissions control required by Section 218.302(c), the Illinois EPA does not foresee any adverse impacts associated with SCA Tissue's proposed adjusted standard.

C. Consistency with Federal Law

The Board may grant the proposed adjusted standard consistent with federal law under Section 110 of the Clean Air Act, 42 U.S.C. Section 7410, which grants individual States authority to promulgate a plan, subject to USEPA approval, for the implementation, maintenance, and enforcement of air quality standards. States also possess authority to revise such implementation plans, subject to USEPA approval. By following its adjusted standard procedures with respect to the Board's federally authorized and approved air emission regulations, the Board is exercising the authority granted to States through the federal Clean Air Act. In the event that the adjusted standard requested by SCA Tissue is adopted by the Board, the Illinois EPA will submit, pursuant to its own legal authority, the adjusted standard to USEPA as a SIP revision.

PROPOSED ADJUSTED STANDARD

SCA Tissue has requested an Adjusted Standard from the Board's air pollution control requirements from 35 Ill. Adm. Code Section 218.301 and 218.302(c). SCA Tissue referenced Section 218.301 in its Petition presumably because the provision reflects the underlying emission

limit of 8 lbs/hour. The main focus of SCA Tissue's Petition is Section 218.302(c). [See, Petition at pages 18-19]. As stated therein, SCA Tissue seeks an adjustment to the provision so as to allow the company to maintain the ninety-three percent reduction in VOM emissions achieved with previous process and equipment modifications, thereby satisfying the eighty-five percent control requirements that are otherwise subject to sources employing any other pollution control equipment.

The Illinois EPA recommends that the Board GRANT SCA Tissue's request for regulatory relief and, further, requests that the Board allow SCA Tissue to maintain and operate its solvent cleaning operations in the manner set forth in the Petition so long as the company complies with the following conditions:

a. SCA Tissue shall continue to investigate alternatives to the use of existing cleaning solvents, including possible substitutions that have a lower VOM content or that are non-photochemically reactive. Where practicable, SCA Tissue shall substitute currently-used cleaning solvents with available substitutes as long as such substitution does not result in a net increase in VOM emissions. SCA Tissue shall agree to conduct any emissions testing as may be requested by the Illinois EPA in this regard. A written report shall be prepared that summarizes any testing of potential substitute(s) in cleaning solvents, as well as any actual substitution(s), that were implemented by SCA Tissue on an annual basis. The report shall be prepared by SCA Tissue and submitted to the Illinois EPA's Bureau of Air, Compliance and Enforcement Section, to the attention of Ms. Julie Armitage.

b. The relief granted in this proceeding shall be limited to the emission activities at SCA Tissue's Alsip, Illinois facility as of the date of this filing.

c. SCA Tissue shall otherwise operate its Alsip, Illinois manufacturing facility in full compliance with the Clean Air Act, its Title V/Clean Air Act Permit Program permit, the Illinois Environmental Protection Act and the Board's applicable air pollution regulations.

HEARING

SCA Tissue has requested a hearing before the Pollution Control Board. The Illinois EPA concurs with SCA Tissue's proposal for a hearing.

WHEREFORE, the Illinois EPA recommends that SCA Tissue's Petition for Adjusted Standard be **GRANTED**, and an order be entered adopting the adjusted standard with the specific language presented in this Recommendation.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: Robb H. Layman
Robb H. Layman
Assistant Counsel
Division of Legal Counsel

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217/782-2113

TITLE I FEDERALLY ENFORCEABLE PERMIT

PERMITTEE

SCA Tissue North America
Attn: Ki C. Harmon
13101 South Pulaski Road
Alsip, Illinois 60803

Application No.: 02020043

I.D. No.: 031003ADF

Applicant's Designation: TISSUE

Date Received: February 11, 2002

Subject: Paper Recycling

Date Issued: August 4, 2004

Location: 13101 South Pulaski Road, Alsip

Permit is hereby granted to the above-designated Permittee to OPERATE emission source(s) and/or air pollution control equipment consisting of a plant that processes direct entry wastepaper, virgin pulp, and de-inked market pulp (fiber) into tissue paper as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

Findings

1. SCA Tissue North America (SCA Tissue) has applied for a permit for its paper recycling plant in Alsip, which it purchased in 2001. This permit would address requirements of 35 IAC Part 203 for a major source, including control of volatile organic material emissions to the Lowest Achievable Emission Rate (LAER). This permit would be issued in conjunction with the settlement of the related enforcement action.
2. The area in which the source is located is designated as nonattainment for ozone.
3. This permit addresses the plant as a major new source subject to 35 IAC, Part 203 (Major Stationary Sources Construction and Modification (MSSCAM)) because the plant's actual VOM emissions were in excess of 100 tons/year, when it was initially constructed and began operation in 1988.
- 4a.
 - i. After reviewing all materials submitted by SCA Tissue, the Illinois EPA has determined that the plant will meet the Lowest Achievable Emission Rate (LAER).
 - ii. Conditions 2.1.6(b), (c), and 2.2.6 of this permit represent the Lowest Achievable Emissions Rate (LAER), pursuant to 35 IAC 203.301, for emissions of VOM. As these conditions constitute a determination of LAER, these requirements remain in effect pursuant to 35 IAC 203.601 until the Illinois EPA deletes or revises these requirements in accordance with applicable procedures of 35 IAC Part 203.

- b. This permit relies upon the majority of the plant's VOM emission units complying with "Other Emission Units" 35 IAC Part 218, Subpart TT, by means of the alternative standard of 35 IAC 218.986(c) rather than control on subject emission units in accordance with 35 IAC 218.986(a).
- c. As related to 35 IAC 218.301, operation of certain emission units is otherwise provided for by the terms and conditions of the Consent Order entered in Case No. 03-CH-09501 (Cook County Circuit Court), State of Illinois v. XCTC, Wisconsin Tissue, Georgia-Pacific Tissue and SCA Tissue.
- 5a. The permitted VOM emissions of this plant, as established by this permit are 75 tons/year. As a consequence, SCA Tissue must provide emission offsets in the amount of 75 tons to fulfill the offset requirements of 35 IAC 203.302, as they existed when the plant was constructed.

However, this permit does not address the requirement to provide emission offsets under 35 IAC 203.302 for operation of the plant prior to issuance of this permit. The requirement for emissions offsets for prior operation of the plant and the means by which such obligation is satisfied is being addressed in a separate legal proceeding to resolve a pending enforcement case. ~~regarding production with supporting~~

- b. SCA Tissue has identified other major sources in Illinois that it owns or operates or that are under common control with SCA Tissue and confirmed that such sources are in compliance with applicable emission standards under the Clean Air Act, as required by 35 IAC 203.305.
- c. The Illinois EPA has considered alternatives for the plant and determined that the benefits of this plant, which has operated for over a decade, outweigh its environmental and social costs, as required by 35 IAC 203.306.
- 6. For purposes of 35 IAC 218, Subpart TT, this permit establishes an "alternative control plan" as provided by 35 IAC 218.986(c), 35 IAC 218.991(c) and 35 IAC 218.108(b) for almost all operations conducted at this source. The Illinois EPA is authorized to establish alternative control plans in a federally enforceable permit. The alternative control plan is found in Condition 2.1.3(c) and other related recordkeeping and reporting requirements in conditions of this permit that address VOM emissions from the affected units.
- 7. A copy of the application, the Illinois EPA's project summary and a draft of this permit were forwarded to a location in the vicinity of the plant, and the public was given notice and opportunity to examine this material, to submit comments, and to request and participate in a public hearing on this matter.

1.0 PLANT-WIDE CONDITIONS

VOM emissions from this plant shall not exceed 75.0 tons per year.

2.0 UNIT SPECIFIC CONDITIONS

2.1 Emission Units 01-02: Tissue Paper Mill (Chemical Addition Activities)

2.1.1 Description

There are two principal process areas at the plant.

In the Pulping Process Area, fiber is received from the warehouse, blended with water, and pulped to separate the paper fibers. Dirt, paper fillers, and ink are washed from the fiber in a series of vessels with the aid of chemical surfactants and polymers. The fiber is also bleached using a non-chlorine based process. The prepared fiber is partially dewatered and stored in a large vessel, commonly called a high density chest. In this area, process water is filtered for reuse, and excess water is treated before being sent to the local municipal wastewater treatment plant.

The cleaned fiber is pumped from the high density chest to stock preparation in the Paper Machine Process Area. The fiber receives further physical preparation and additives to impart desirable physical properties to the fibers. The prepared fiber is then pumped to the wet end of the paper machine where the fiber is spread out on a bed of wire. The wire is periodically cleaned with a solvent as needed to inhibit and remove accumulation of "stickies" on the wire that result in "holes" in the paper product. The pulp drains and forms into a wet mat that is pressed and dried to form the tissue paper. The tissue paper winds onto massive spools. From the spools the paper is trimmed into rolls for shipping to converting plants. VOM is generated during processing by the volatilization of organic materials in the paper. VOM emissions are further generated during paper drying (i.e., in the Yankee Dryer) and during treatment of wastewater.

2.1.2 List of Emission Units and Pollution Control Equipment

Emission Unit	Description	Emission Control Equipment
01	Pulping Process Area (Including Fiber Storage Building, Displector, High Density Pulper, Thickeners with Cyclones, Cloudy Water Tanks, Clarifiers, Double Wire Press, High Density Storage Towers, Flotation Cells, Screw Press, and Medium Consistency Standpipe)	None

Emission Unit	Description	Emission Control Equipment
02	Paper Machine Process Area (Including Disk Filter, Clarifier, Paper Machine, Headbox, Vacuum Pump/Blower Systems, Fan Pump Silo, and Clean-Up Spray)	None

2.1.3 Applicability Provisions and Applicable Regulations

- a. The "affected units" for the purpose of these unit-specific conditions are the operations described in Condition 2.1.1, including the specific emission units listed in Condition 2.1.2.
- b. The application of release agent applied at the Yankee Dryer, as well as Yankee adhesive shall meet the requirements of 35 IAC 218.204(c) for paper coating, requiring that the VOM content of the coating not exceed 2.3 lb VOM/gal of coating as applied, minus water and exempt compounds.
- c. Except as provided in Condition 2.1.3(b) above, the affected units are subject to 35 IAC 218, Subpart TT: Other Emission Units, because the maximum theoretical emissions from applicable emission units were in the past greater than 100 tons per year. Compliance shall be met based on compliance with a limit of 73.9 tons of VOM per year considering VOM emissions from affected units. The alternative control plan requirements are set forth in 35 IAC 218.986(c).

Note: This alternative control plan requires an equivalent 81% reduction in VOM emissions generated at the source during its first representative year of operation in 1990. The emission limit of 73.9 tons of VOM per year was demonstrated to be equivalent to greater than 81% reduction in VOM emissions when measured in the appropriate units for paper production of lb VOM per ADT (Air-Dried Ton of finished paper).

- d. i. Each affected unit is subject to 35 IAC 218.301: Use of Organic Material, which provides that no person shall cause or allow the discharge of more than 3.6 kg/hr (8 lbs/hr) of organic material into the atmosphere from any emission unit, except as provided by Board rule (e.g., 35 IAC 218.302, 218.303 or 218.304) and the following exception: If no odor nuisance exists this limitation shall apply only to photochemically reactive material. For this purpose, the

definition of photochemically reactive material at 35 IAC 211.4690 is applicable.

- ii. Notwithstanding the above requirement, the Permittee's compliance with 35 IAC 218.301 is fully addressed by terms and conditions of the Consent Order entered in Case No. 03-CH-09501 (Cook County Circuit Court), State of Illinois v. XCTC, Wisconsin Tissue, Georgia-Pacific Tissue and SCA Tissue.

2.1.4 Non-Applicability of Regulations of Concern

None

2.1.5 Control Requirements and Operational Limits

For the solvent system used for cleaning the paper machine, the Permittee shall perform routine inspections of the affected units in order to identify and repair leaks of VOM from components, as defined by 35 IAC 211.1350. For this purpose, a component means a valve, pump, flange or similar fitting or device that is intended to operate without leaks (such as the system used for delivering cleaning solvent to the paper machine), and does not include open tanks, drying systems, or material transfer in which process materials are normally exposed to the atmosphere. Any leaks from components subject to the control requirements of 35 IAC 218, Subpart TT shall be subject to the following control measures:

Repair any component from which a leak of volatile organic liquid (VOL) can be observed. The repair shall be completed as soon as practicable but no later than 15 days after the leak is found, unless the leaking component cannot be repaired until the next process unit shutdown, in which case the leaking component must be repaired before the unit is restarted [35 IAC 218.986(e)(1)].

2.1.6 Emission Limitations

- a. The VOM emissions from affected units shall not exceed 73.9 tons/year, total. Compliance with this limit shall be determined as the sum of (i) readily quantified VOM emissions, i.e., VOM emissions attributable to specific VOM containing process materials used on an affected unit, and (ii) other VOM emissions. For this purpose, the "readily quantifiable VOM emissions" attributable to specific raw materials shall be determined by material balance, based on actual usage and the VOM of the

material as provided by the supplier or as determined by representative testing in accordance with Condition 2.1.7. "Other VOM emissions" shall be presumed to contribute 0.97 pounds of VOM per ton of air dried finished paper, this factor developed from emission test data cited in the National Council of the Paper Industry for Air and Stream Improvement (NCASI) Technical Bulletin 739 Table 5-20, Mill DD and NCASI Technical Bulletin 740 Tables 5-41 and 5-42 Mill HH.

- b. The VOM content of the following materials used on the affected units shall not exceed:

<u>Material</u>	<u>Emission Limitation</u>
Cleanup	≤ 50% by weight VOM
Defoamer	≤ 1% by weight VOM
Release Agent	≤ 50% by weight VOM

- c. The VOM emissions attributable to use of the following materials on the affected units shall not exceed 5.0 tons/year, total:

- i. Displector
- ii. Cationic Press Polymers
- iii. Anionic Polymers
- iv. Surfactants for Boilouts
- v. Wire Polymer
- vi. Pulp Detactifier
- vii. Absorbency Aid
- viii. Retention Aid
- ix. Color Control Dyes
- x. Wet Strength Resin

Note: Conditions 2.1.6(b) and (c) represent the Lowest Achievable Emission Rate (LAER) for emissions of VOM from the paper machine process and fiber process, pursuant to 35 IAC 203.301.

2.1.7 Testing Requirements

- a. Upon request by the Illinois EPA, the VOM content of VOM-containing materials shall be determined according to USEPA Reference Methods 24 and 24A of 40 CFR Part 60, Appendix A and the procedures of 35 IAC 218.105 [35 IAC 218.211(a)].
- b. Upon request by the Illinois EPA, the Permittee of a VOM emission unit subject to the requirements of 35 IAC 218, Subpart TT shall, at his own expense, conduct such tests in accordance with the applicable test methods and procedures specified in 35 IAC 218.105 [35 IAC 218.988(a)]. Nothing in this condition shall limit the authority of the USEPA to require testing [35 IAC 218.988(b)].

2.1.8 Monitoring Requirements

None

2.1.9 Recordkeeping Requirements

- a. The Permittee shall record the following for leaks detected by the inspection program required by Condition 2.1.5:

For any leak which cannot be readily repaired within one hour after detection, the following records, as set forth below in this subsection, shall be kept. These records shall be maintained by the owner or operator for a minimum of two years after the date on which they are made, or such longer period as may be specified by this permit. Copies of the records shall be made available to the Illinois EPA or USEPA upon verbal or written request.

- i. The name and identification of the leaking component [35 IAC 218.986(e)(2)(A)];
 - ii. The date and time the leak is detected [35 IAC 218.986(e)(2)(B)];
 - iii. The action taken to repair the leak [35 IAC 218.986(e)(2)(C)]; and
 - iv. The date and time the leak is repaired [35 IAC 218.986(e)(2)(D)].
- b. The Permittee shall keep the following records of operation of affected units:

- i. Production of finished paper (tons/month and ton/year of air-dried finished product);
 - ii. Identification of each VOM-containing material used, with type of material, maximum VOM content (weight percent), overall density (lb/gal) and source of data for VOM content, i.e., supplier data or testing in accordance with Condition 2.1.7(a); and
 - iii. Quantities of each VOM-containing material used (lb/month and ton/year).
- c. The Permittee shall keep the following records related to emissions from affected units:
- i. The annual VOM emissions from each emission unit which is not subject to the requirements of 35 IAC 218, Subpart TT;
 - ii. The aggregate monthly and annual VOM emissions from the affected units based on the material usage and production, with supporting calculations; and
 - iii. Calculation of the lb/ADT value over the past 12 months.
- d. The Permittee shall maintain records of the testing required by Condition 2.1.7, which include the following:
- i. The date, place and time of sampling or measurements;
 - ii. Identification of material tested;
 - iii. The operating conditions as existing at the time of sampling or measurement;
 - iv. The date(s) analyses were performed;
 - v. The company or entity that performed the analyses;
 - vi. The analytical techniques or methods used; and
 - vii. The results of such analyses.

2.1.10 Reporting Requirements

The Permittee shall promptly notify the Illinois EPA of deviations of the affected units with the permit requirements as follows. [35 IAC 218.211(c) and 218.991(c)]

- a. Reports shall describe the probable cause of such deviations, and any corrective actions or preventive measures taken.
- b. Reports shall include a copy of all relevant records.
- c. Reports shall be sent to the Illinois EPA within 30 days following the occurrence of the deviation [35 IAC 218.991(a) (3) (A)].

2.2 Emission Unit 03: Heaters (Paper Machine Yankee Dryer)

2.2.1 Description

Large heaters provide heat used for the final step in drying the tissue paper in paper machine.

2.2.2 List of Emission Units and Pollution Control Equipment

Emission Unit	Description	Emission Control Equipment
03	Two Natural Gas-Fired Heaters (Total Capacity: 44 Million Btu/Hr)	None

2.2.3 Applicability Provisions and Applicable Regulations

- a. The "affected heaters" for the purpose of these unit-specific conditions, are the heaters listed in Condition 2.2.2, used for drying finished paper.
- b. The affected heaters are subject to 35 IAC 216.121 which provides that no person shall cause or allow the emissions of carbon monoxide (CO) into the atmosphere from any fuel combustion emission source with actual heat input greater than 2.9 MW (10 mmBtu/hr) to exceed 200 ppm, corrected to 50 percent excess air.

2.2.4 Non-Applicability of Regulations of Concern

None

2.2.5 Operating and Control Requirements

- a. The firing rate of the affected heaters shall not exceed 44 mmBtu/hr, total.
- b. The affected heaters shall only be fired with natural gas.
- c. The Permittee shall maintain and operate the burners in the heaters in accordance with good combustion practices.

2.2.6 Emission Limitations

Emissions from the affected heaters shall not exceed the following limits:

<u>NO_x Emissions</u> <u>(T/Yr)</u>	<u>CO Emissions</u> <u>(T/Yr)</u>	<u>VOM Emissions</u> <u>(T/Yr)</u>
19.30	16.2	1.06

2.2.7 Testing Requirements and Paper Machine Process Area. The

None

2.2.8 Monitoring Requirements

None

2.2.9 Recordkeeping Requirements

The Permittee shall maintain records of the following items for the affected heaters to demonstrate compliance with Conditions 2.2.5 and 2.2.6:

Consumption of natural gas by the affected heaters
(in million cubic feet per month and per year)

2.2.10 Reporting Requirements

The Permittee shall promptly notify the Illinois EPA, Compliance Section of deviations of an affected heater with the permit requirements as follows. Reports shall describe the probable cause of such deviations, and any corrective actions or preventive measures taken:

- a. Reports shall describe the probable cause of such deviations, and any corrective actions or preventive measures taken.
- b. Reports shall include a copy of all relevant records.

- c. Reports shall be sent to the Illinois EPA within 30 days following the occurrence of the deviation [35 IAC 218.991(a)(3)(A)].

2.2.11 Operational Flexibility/Anticipated Operating Scenarios

N/A

2.2.12 Compliance Procedures

For the affected heaters, compliance with the emission limits of this permit shall be based on the recordkeeping requirements in Condition 2.2.9 and appropriate emission factors. If the heaters are properly operated, the following factors may be used:

<u>Pollutant</u>	<u>Emission Factor</u> <u>(lb/million ft³)</u>
CO	84
NO _x	100
PM	7.6
SO ₂	0.6
VOM	5.5

These are the emission factors for uncontrolled natural gas combustion in small boilers (< 100 mmBtu/hr), Tables 1.4-1 and 1.4-2, AP-42, Volume I, Supplement D, March, 1998.

3.0 Emission Offsets

- 3.1 The Permittee shall provide 75 tons of VOM emissions reduction credits generated by itself and by other sources in the Chicago ozone nonattainment area such that the total is equal to the VOM emissions allowed for the plant, i.e., 75 tons/year of VOM.
- 3.2 These emission reduction credits shall be acquired from other sources as further provided by agreement between the Permittee and the State of Illinois regarding past noncompliance with 35 IAC Part 203. The Permittee shall provide the Illinois EPA with documentation, as follows, demonstrating that it has obtained the requisite amount of VOM emission offsets as specified above.
 - a. Reliance upon emission reduction credits from such source(s), i.e., supplier(s), must be approved by the Illinois EPA subject to the following:
 - i. The supplier of emission reduction credits must be located in Illinois in the Chicago ozone nonattainment area;

- ii. Any proposal to supply emission reduction credits must be accompanied by detailed documentation to support the amount and creditability of the emission reduction credit;
 - iii. This permit must be amended by the Illinois EPA to identify the supplier of emission reduction credits pursuant to a request from the Permittee for such a permit amendment if the Illinois EPA approves the use of emission reduction credits from the supplier, and
 - iv. The supplier of emission reduction credits must be subject to appropriate measures given the nature of the underlying emission reduction to make the emission reduction permanent and federally enforceable.
- b. If the Permittee obtains emission offsets directly from the supplier without the involvement of the Illinois EPA, the following additional requirements shall also be satisfied:
- i. The supplier of offsets must submit a letter or other document signed by a responsible official or other authorized agent certifying that a transfer of emission reduction credit from its source has been made to the Permittee in the requisite amount to provide offsets for the wastepaper processing operation.
 - ii. The Permittee must submit a letter or other document signed by a corporate officer or other authorized agent certifying that a transfer of emission reduction credits has been received from such other source to provide offsets for the fiber processing operation. In this letter, the Permittee must also acknowledge that it may subsequently transfer these offsets to another party or return them to the supplier only if the allowable emissions of the tissue paper manufacturing operation are correspondingly reduced by an appropriate limitation in a federally enforceable permit, as the Permittee is otherwise under a legal obligation to maintain the offsets pursuant to 35 IAC 203.602.
- 3.3 If this required document with respect to emission offsets is not provided within 90 days of the issuance of this permit, the permit shall cease to be effective until such time as such documentation is provided to and approved by the Illinois EPA.

Condition 3 represents the actions identified in conjunction with the fiber processing operation to ensure that it is accompanied by emission

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offsets and does not interfere with reasonable further progress for VOM.

Note: Emission offsets are being required for this project because USEPA has not approved provisions of the ERMS that would allow compliance with the ERMS to satisfy the offset requirements for a major modification in 35 IAC Part 203.

If you have any questions on this, please call Bob Smet at 217/782-2113.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:RPS:jar

cc: Region 1

CERTIFICATE OF SERVICE


I hereby certify that on the ^{22nd} ~~21st~~ ^{PM} day of March, 2005, I did send, by First Class Mail, with postage thereon fully paid and deposited into the possession of the United States Postal Service, one (1) original and ten (10) copies of the following instruments entitled **APPEARANCE** and **RECOMMENDATION** to:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

and a true and correct copy of the same foregoing instruments by First Class Mail with postage thereon fully paid and deposited into the possession of the United States Postal Service, to:

Brad Halloran
Hearing Officer
James R. Thompson Center
Suite 11-500
Chicago, Illinois 60601

John J. Privitera
McNamee, Lochner, Titus & Williams, P.C.
75 State Street
P.O. Box 459
Albany, New York 12201-0459


By: Robb H. Layman
Assistant Counsel
Division of Legal Counsel

This filing is submitted on recycled paper.