

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
))
PROPOSED AMENDMENTS TO)
EXEMPTIONS FROM STATE) **R 05-20**
PERMITTING REQUIREMENTS)
FOR PLASTIC INJECTION MOLDING)
OPERATIONS)
(35 Ill. Admin. Code 201.146))

NOTICE OF FILING

TO: Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
(VIA ELECTRONIC FILING)

(PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that on July 19, 2005, I filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the **CHEMICAL INDUSTRY COUNCIL OF ILLINOIS' CORRECTIONS TO TRANSCRIPT OF JULY 1, 2005 HEARING**, a copy of which is hereby served upon you.

Dated: July 19, 2005

Respectfully submitted,

CHEMICAL INDUSTRY COUNCIL OF ILLINOIS

By: /s/ Patricia F. Sharkey
One of its Attorneys

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CHEMICAL INDUSTRY COUNCIL OF ILLINOIS'
CORRECTIONS TO TRANSCRIPT OF JULY 1, 2005 HEARING

The Chemical Industry Council of Illinois ("CICI"), by its attorneys Mayer, Brown, Rowe & Maw LLP, hereby submits its proposed corrections to the transcript of the hearing held in this proceeding on July 1, 2005.

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See revisions as shown in the attached mark-up of the transcript pages and lines referenced above.

Respectfully submitted,

CHEMICAL INDUSTRY COUNCIL
OF ILLINOIS

By: /s/ Patricia F. Sharkey
One of Its Attorneys

Dated: July 19, 2005

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1 not certain that there are not compression
2 molders ~~that transfer moldings~~ ^{and molders} out there that
3 may very well qualify for an exemption. We
4 were not prepared to be presenting testimony
5 on that in this proceeding, so we've agreed
6 that we're going to recommend deleting
7 compression and transfer molding from this
8 language.

9 The second change you'll see is
10 that we've deleted the word handling and
11 we've sort of unpacked that word to try to
12 make it clearer ~~of~~ what kinds of processes
13 and equipment can actually be covered in the
14 concept of handling, so we've explained that
15 that's loading, unloading, conveying, mixing.

16 We've eliminated the word
17 granulating and replaced it with grinding
18 because grinding is actually a more generic
19 term for the same thing. What we found in
20 talking to people in this business is that
21 some people use the word granulating, some
22 people use the word grinding, but it's
23 intended to be the same thing, so we're using
24 the more generic word.

1 will be submitting in the record when
2 Mr. Harris testifies, has a reference to
3 PM10.

4 That should have been a reference
5 to total particulate and it's referred to
6 throughout his testimony as PM. And that
7 study that Mr. Harris is referring to looked
8 at total particulate rather than PM10, so
9 this would correct his testimony to clarify
10 that.

11 With that, ~~Madam~~ *Madam* Hearing Officer,
12 I take it the exhibit is already in the
13 record, but that is what the errata sheet
14 would do, so the proposal has slightly
15 changed that's before you.

16 HEARING OFFICER ANTONIOLLI: Okay.

17 MS. SHARKEY: The final thing I'd like
18 to say is that our -- as a way of
19 introduction to this hearing today is that we
20 are not going to be providing you with
21 information today on statewide emission
22 levels. We are discussing that with the
23 Illinois EPA because, as we've been working
24 on ~~it~~ preparing for this hearing, it was

1 I just wanted to give you that
2 preview, and with that, I would like to
3 present the testimony of our witnesses and
4 introduce to you who they are. We have with
5 us today Ms. Lisa Frede, who is the
6 regulatory affairs director for the Chemical
7 Industry Council of Illinois. Ms. Frede has
8 been there for four years and has been in
9 government and environmental roles prior to
10 that.

11 And Mr. Lynne Harris, who is with
12 the Society of the Plastics Industry, has
13 been there, as you can see from his
14 testimony, for a number of years, been
15 involved in creating a number of -- involved
16 in creating at least one of the studies and
17 overseeing and involved with other studies
18 and developing emission factors for the
19 plastics industry and 25 years experience in
20 the business.

21 The final piece of testimony would
22 be my own on -- just ~~a~~^{ed} design to give the
23 Board some perspective on what other states
24 have done in terms of regulating or exempting

1 was included ^{in what} ~~that~~ you've received. We have
2 talked off the record about handling his
3 testimony as a group exhibit because there
4 are some 11 exhibits behind his prefiled
5 testimony.

6 I have a package in which we have
7 the full prefiled testimony, which we can
8 enter as CICI Exhibit 3 if you would like,
9 and then I also have a package with the
10 individual exhibits labeled as Harris
11 Group Exhibits 1 through 11.

12 HEARING OFFICER ANTONIOLLI: Let's do
13 it the latter way that you had because
14 they're marked well and we can do it then.
15 If there are 11 exhibits, we can make them --
16 instead of one group exhibit, we can just
17 make them 3 through 13.

18 MS. SHARKEY: Okay.

19 HEARING OFFICER ANTONIOLLI: And that
20 way they're easy to refer to in future
21 citations; is that okay?

22 MS. SHARKEY: The only thing that I'm
23 concerned about is that in Mr. Harris'
24 prefiled testimony, they're referred to as

1 would like to refer to them, in which case we
2 would be happy to do that or we could just
3 simply --

4 HEARING OFFICER ANTONIOLLI: Since we
5 have it part of the record already, let's
6 keep it to the way that you've marked it and
7 if you're willing to, we can enter that into
8 the group exhibit.

9 MS. SHARKEY: Okay. So this would be
10 entitled -- what we would be offering ~~to~~ then
11 is Harris group exhibits, which would consist
12 of prefiled testimony and Harris Exhibits 1
13 through 12 and attachments?

14 HEARING OFFICER ANTONIOLLI: Can we go
15 off the record for one minute?

16 THE REPORTER: Sure.

17 (Whereupon, a discussion
18 was had off the record.)

19 HEARING OFFICER ANTONIOLLI: And you
20 can come around, Mr. Harris.

21 I have in front of me the prefiled
22 testimony of Mr. Lynne Harris on behalf of
23 the Society of Plastics Industry, Inc., as it
24 was prefiled on June 16, 2005. If there's no

1 regulatory authorities as defining emission
2 factors for both simple extrusion and the
3 extrusion process utilized in PIM.

4 What these studies demonstrate is
5 that extrusion processing of different resins
6 under various operating conditions produces
7 different types and amounts of emissions.
8 Exhibit 9, attached to my prefiled testimony,
9 is a chart summarizing the emission factors
10 developed in the SPI studies for each of the
11 emissions of interest for the resins studied.

12 The information in this chart was
13 compiled from information contained in each
14 of the SPI studies to make it easier to
15 review this data in this proceeding. As can
16 be seen from this chart, the emissions of
17 interest include VOM, PM, and a variety of
18 HAPs.

19 The type and volume of emissions
20 varies from a high of approximately ~~0.4~~ ^{0.4}
21 pounds of VOM per ton of resin processed to a
22 low of approximately 0.1 pound per ton of
23 resin processed. HAPs ranged from a high of
24 approximately 0.3 pounds per ton of resin

1 of states that have exempted plastic
2 injection molding. As I said earlier, we
3 actually found Michigan's to be simple and
4 clear and thought that it covered what we
5 were concerned with.

6 I have attached to my testimony
7 the language from the Michigan exemption,
8 which simply reads -- it's Michigan DEQ
9 Regulation R336.1286(b), which states that a
10 permit to install does not apply to plastic
11 injection, compression, and transfer molding
12 equipment and associated plastic resin
13 handling, storage, and drying equipment.

14 We also looked at another
15 neighboring region five state and -- in Ohio,
16 and the Ohio ~~and~~ regulation is, as you can
17 see, is a bit more complicated. Basically
18 Ohio has said there is ~~a permit~~ what they
19 call a permanent exception for plastic
20 injection molding as well as compression
21 molding, by the way, for facilities that are
22 processing a million pounds of resin or less
23 annually.

24 They also provide another

1 exemption for those facilities that are
2 processing under six million or less and are
3 also using less than 1000 pounds of volatile
4 organic compound as an external mold release,
5 so they have sort of a two-tiered approach to
6 it for the plastic injection molder with some
7 upper limits in terms of what they were
8 looking at.

9 Finally, the Texas administrative
10 code was most interesting in that it was very
11 simple and they simply have an exemption for
12 equipment use^d for compression molding and
13 injection molding of plastics and they have
14 got that permitted by rule.

15 We noted also that Iowa, another
16 neighboring state, while they haven't adopted
17 an exemption right now, is looking at -- has
18 announced that they are going to be looking
19 at exempting plastic injection molding, and
20 that's in Exhibit 4 to my prefiled testimony.
21 So we don't know the contours of that
22 exception, but we do know that they're
23 looking at it.

24 So Illinois is certainly not alone

1 about are emissions that are either out there
2 ~~out~~^{or} they're not and they're either -- whether
3 they're permitted or not, they are -- it's
4 not as though somebody is not going to do
5 business because they have to get a permit,
6 but it's a question of whether we're going to
7 be burdening this industry with these very
8 small emissions with that same permitting
9 process that we use for sources with larger
10 emissions and whether we're going to be
11 burdening Illinois EPA with that permit
12 processing.

13 And that simply -- we've also then
14 mentioned in my testimony that there are a
15 number of other states that don't need a
16 categorical exemption because they have
17 exempted these very small emission sources
18 across the board ~~where~~^{with} a de minimis cutoff
19 that would have included facilities even
20 though those facilities were not otherwise
21 required to have a permit.

22 And so it wouldn't be surprising
23 not to find a categorical exemption in
24 50 states because they simply wouldn't need

1 it. And I would be happy to answer any
2 questions regarding our research into the
3 other states' regulations and I -- stepping
4 out of my role as a witness, I would be
5 happy -- and I don't think I was sworn in
6 actually.

7 HEARING OFFICER ANTONIOLLI: No, you
8 weren't. Thanks for reminding me. We can
9 have you sworn in now.

10 MS. SHARKEY: I would be happy to be
11 sworn in.

12 HEARING OFFICER ANTONIOLLI: Okay.

13 (Witness sworn.)

14 MS. SHARKEY: At this point, we would
15 be happy to answer any questions the Board
16 members or the staff may have or anybody else
17 from the public. We would also -- of course,
18 if Mr. Matoesian wants to make a statement --

19 HEARING OFFICER ANTONIOLLI: Would you
20 like to?

21 MR. MATOESIAN: I would just state
22 that as mentioned -- or eluded to earlier,
23 the ~~ABP~~^{Agency} technical staff had scheduling
24 conflicts and were not able to attend today,

1 whatever the threshold is ^{for a} ~~a more~~ major
2 source, they need to be considering whether
3 or not they are triggering, depending on what
4 attainment area they're in, whether they are
5 triggering major source status.

6 So they are certainly responsible
7 for their emissions in the same way that they
8 ~~that~~ would be without a permit. What they
9 are -- what you have is I think some -- the
10 only reason we're talking about what are the
11 statewide volumes --

12 MR. MELAS: Right.

13 MS. SHARKEY: -- is, frankly,
14 reflected in the hearing in R05-20 in which
15 there was some concern and questions raised
16 about what are we talking about in terms of
17 having a category or a number of sources out
18 there for which we do not have a permit, how
19 concerned are we, what's the volume of
20 emissions out there.

21 And it's not that the permitting
22 -- I believe Mr. Sutton testified to this in
23 that hearing and I think we just wanted to
24 make the same point here that it's not as

1 next week or in two weeks.

2 MS. SHARKEY: If I could add one point
3 here, I want to make it clear that if you
4 consider what a permit for these types of
5 emission sources would look like, it would
6 not have any individualized emission limit^s in
7 it.

8 It would not have -- because there
9 are no individualized emission limitations
10 that would apply, so there would be no
11 federal NESHAP requirements or federal new
12 source performance requirements, technology
13 requirements, pollution control requirements,
14 because these are de minimis sources that --
15 if any of that is triggered, your categorical
16 exemption, your language at the front of that
17 exemption states they would not be eligible
18 for the exemption.

19 So if there are any other
20 requirements that would actually be reflected
21 in a permit that would require control, they
22 will -- this source will not be eligible for
23 the exception. So you're talking about a
24 category of sources which are -- you can

1 issue them a permit, you can go through the
2 paperwork of issuing them a permit, but there
3 are not going to be any extra controls on
4 them.

5 It's just a matter of whether or
6 not you're going to have that paperwork in
7 Springfield on them. The emission source is
8 out there one way or the other, whether it's
9 exempt or whether it's ~~permitted~~^{permitted}. So it
10 isn't as though we are talking about any
11 increased level of emissions, we're simply
12 talking about whether the state needs to have
13 that paperwork on these sources.

14 And I would point out that many
15 states as you -- some of which we've cited
16 have a general permit, a permit by rule so
17 that they don't issue a permit, they simply
18 say abide by the rules. Illinois doesn't
19 call it permit by rule, but, obviously, every
20 emission source in Illinois is subject to the
21 Pollution Control Board's rules no matter
22 whether they have a permit or not.

23 MR. JOHNSON: Can I follow up on that,
24 Nick?

1 actually going to choose not to locate in
2 Illinois because they have to get a minor
3 source permit, obviously, once they get a
4 major source permit, the interesting thing
5 about this is once they're required to get
6 out and get a permit if they're are one of
7 these sources that has other emissions, they
8 would be covered under ^{the de minimis} ~~this minor~~ source
9 exception.

10 If they are at a major source,
11 they're going to be covered under the
12 exemptions for Title V permits because there
13 would be an insignificant activity because
14 they're well under the insignificant activity
15 levels.

16 MR. JOHNSON: And that's a distinction
17 that I'm having a hell of a time making. And
18 I know that your proposal is asking for an
19 additional subheading under 201.146
20 exemption, but if you could try and
21 straighten me out -- Anand has tried to do it
22 and has been unable to so far -- on the
23 difference between -- what the practical
24 difference is of that exemption as an actual

1 exemption versus the 201.210 insignificant
2 activities. I can't -- I'm not making that
3 leap for whatever reason.

4 MS. SHARKEY: As a practical matter,
5 if I am a large source, if I'm already a
6 major source and I have emissions less than
7 .44 tons per year, any individual emission
8 unit at that source less than .44 tons is
9 categorized as an insignificant activity.
10 ^{In} ~~And~~ a Title V permit ^{it} will be
11 simply listed and will not have any specific
12 control requirements applicable to it if it
13 qualifies. Now, again, it must qualify as
14 not having a federal new source performance
15 standard or any other draft requirement or
16 NESHAP requirement.

17 In that instance, it will simply
18 be listed in your Title V permit under the
19 section of insignificant activity. And in
20 many instances, they don't even list the
21 number, so you could have -- we've seen some
22 simply say plastic injection. They'll simply
23 say extruders or they'll say -- they'll check
24 off a list and indicate that they have an

1 didn't even realize they didn't have any good
2 emission factors for these. They didn't
3 realize there was any substantial amount of
4 emission at all from these facilities. They
5 were very clean facilities.

6 And what we have is, as science
7 has gone on and we've gotten more concerned
8 about ~~our~~ hazardous ^{emissions} ~~conditions~~, particularly
9 we've gone and we begin to study in more
10 depth, and I would suggest to you that there
11 are many, many emission sources out there at
12 these very tiny emission levels that Illinois
13 right now is not regulating and that what we
14 have is an ambiguous situation for those
15 parties and that Illinois needs to decide
16 whether or not it is going to be focusing on
17 these very tiny emission sources with its
18 permitting resources ^{or} ~~for~~ taking and looking
19 at the fact that it doesn't have Title V
20 permits that are out and revised and up to
21 date for every source in this state where the
22 big emissions are.

23 And if I could just say one more
24 thing, what we're trying to say is to put it

1 in perspective, the states and I think that
2 the Illinois environmental regulatory's group
3 testimony in R05-19 and my testimony in this
4 proceeding is that other states have provided
5 far bigger exemptions and are focusing their
6 permitting resources right now on the big
7 emission sources.

8 So I hope that answers your
9 question, but the thought is that when we
10 are at this point in Illinois focusing on
11 some very small stuff and perhaps loosing
12 site of the bigger of -- where the ball is
13 and the real issue here is that --
14 Mr. Sutton's testimony in that proceeding
15 told you that something like 90 percent of
16 emissions in the state of Illinois are
17 produced by something like 15 percent of the
18 emission sources.

19 And when we start to go down to
20 this minutia level, we have to ask ourselves
21 as policymakers, as the Board is the
22 policymakers, as regulators is this where
23 these resources should be going. The rest of
24 the states in region five had ~~cited~~^{said} no and

1 there's a lack of clarity on that issue and
2 so what we're trying to do in this rulemaking
3 is to clarify that issue.

4 HEARING OFFICER ANTONIOLLI: And
5 what's the current, I guess, state of that
6 controversy that you just referred to between
7 whether a plastic injection molding operation
8 would be considered an extruder?

9 MS. SHARKEY: I think that there's a
10 difference of opinion. Some engineers have
11 looked at it and said the emission source is
12 the extruder. Others have looked at it and
13 said, yeah, but extruder is a term of art in
14 the industry that means only a strand
15 extruder, a continuous strand extruder.

16 And so if the issue is is it a
17 continuous strand extruder, certainly not.
18 Is the main emission source the extruder --
19 the injection barrel as we've seen, I think
20 Mr. Harris' testimony is that ~~that~~ *it*
21 essentially is ~~not a~~ *a non-* continuous extruder.

22 HEARING OFFICER ANTONIOLLI: Okay.
23 And, Mr. Harris, do you have any differing
24 opinion or is that -- would you agree with

1 that they use a different type of plastic or
2 thermoset plastic that's different from the
3 type of plastic used in the --

4 THE WITNESS: In the resin, yes.

5 MS. SHARKEY: The resin ~~has been~~^{then, is}
6 essentially different?

7 MR. HARRIS: Uh-huh.

8 MR. RAO: But is the injection molding
9 machine the same or is it just the raw
10 material that's different or is the equipment
11 different too?

12 MR. HARRIS: The equipment is slightly
13 different, but we can get you the information
14 of what the differences are.

15 MR. RAO: Okay. That would be
16 helpful.

17 And you have provided a diagram of
18 the PIM machine that's in Exhibit 1 and
19 Exhibit 4. I had a question about where the
20 VOM emissions occur, is it -- can you show us
21 on the diagram?

22 MR. HARRIS: So the emissions would
23 come -- in the PIM process?

24 MR. RAO: Yeah.

1 issue -- perhaps the other kind of question
2 that comes up with handling is just this
3 sloughing off of tiny particles ⁱⁿ ~~and~~ the
4 handling of these resin beads, and you're
5 going to be getting some more information as
6 best as we can find it.

7 We have to tell you we are looking
8 for emission factors or something to help us
9 with this because they really aren't out
10 there and people are not focusing on these
11 activities. We just want to make sure --
12 we're all quite sure that the emissions we're
13 going to find are very low because of their
14 clean operations but ~~that~~ what we are looking
15 for is a way to give you an understanding of
16 something concrete and objective to
17 understand that.

18 HEARING OFFICER ANTONIOLLI: Okay.

19 MR. RAO: In your prefiled testimony,
20 Mr. Harris, you noted that there are like
21 approximately 500 PIM facilities in
22 Illinois --

23 MR. HARRIS: Yes.

24 MR. RAO: -- and I know you're going

1 these facilities need any other environmental
2 permits other than the --

3 MR. HARRIS: Environmental permits,
4 no.

5 MS. SHARKEY: Is your answer that
6 you're not aware or that they do not?

7 MR. HARRIS: I'm not aware.

8 MR. RAO: Okay.

9 MS. SHARKEY: You know, if you've got,
10 for example, they needed a storm water permit
11 for activities on parking lots and
12 construction and such, like any other
13 facilities they would need it. I think that
14 the answer is that there's no water involved
15 in this process.

16 It would ^{not} require a water -- an
17 NPDES or a sewer hookup permit that is
18 specifically associated with plastic
19 injection molding. Now, again, if the
20 facility has other operations, they may have
21 those types of permits.

22 MR. RAO: Is noise an issue with these
23 machines?

24 MR. MELAS: Are they noisy?

1 MR. HARRIS: Uh-huh.

2 MR. RAO: I was just going over it and
3 one other facility was in Glenview, Illinois,
4 which is ranked No. 12, and it just gave, you
5 know, the ranking based on the amount of
6 money that they, you know, make or generate,
7 so I was curious as to how big these
8 facilities are and what their production
9 capability is.

10 MR. HARRIS: Uh-huh.

11 MR. RAO: And I had one final question
12 for Mr. Harris. This is about the emission
13 factor summary chart that you have in
14 Exhibit 9.

15 MR. HARRIS: Yes.

16 MR. RAO: In the summary chart, you
17 have, you know, various types of resins that
18 were tested and there was one under
19 polypropylene for which I think it's
20 homopolymers and the temperature was over
21 600 degrees Fahrenheit?

22 MR. HARRIS: Yes.

23 MR. RAO: It was indicated as an
24 ~~outlayer~~ ^{outlier} in one of the footnotes and I was

1 just curious to know whether -- is that like
2 an ~~outlayer~~ ^{outlier} in the statistical sense or it's
3 not generally -- that level of temperature is
4 not typically used in your injection molding
5 operations?

6 MR. HARRIS: Most the latter. As you
7 can see from the table here, as you increase
8 temperature, you get greater emissions
9 regardless of what the resin is. Higher
10 temperatures produce higher emissions and
11 generally polypropylene is not processed at
12 those temperatures, but we took it up that
13 high just to see what the impact would be.

14 MR. RAO: Okay. Thank you. We look
15 forward to your additional testimony.

16 Alisa, do you have any?

17 MS. LIU: (Indicating.)

18 HEARING OFFICER ANTONIOLLI: Okay. Do
19 any of the witnesses or, Ms. Sharkey, do you
20 have anything further at this time?

21 MS. SHARKEY: No, we don't. We're
22 happy to provide the Board with additional
23 information. We appreciate the questions.
24 They've been very helpful for us to

CERTIFICATE OF SERVICE

I, Patricia F. Sharkey, an attorney, hereby certify that I have served the Chemical Industry Council of Illinois' Corrections to Transcript of July 1, 2005 Hearing upon:

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