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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO)
EXEMPTIONS FROM STATE)
PERMITTING REQUIREMENTS) R05-20
FOR PLASTIC INJECTION) (Rulemaking - Air)
MOLDING OPERATIONS (35)
ILL. ADM. CODE 201.146))
)

Proceedings held on July 15, 2005, at 10:11 a.m., at the Illinois Pollution Control Board, 1021 North Grand Avenue East, Springfield, Illinois, before John Knittle, Hearing Officer.

Reported By: Karen Waugh, CSR, RPR
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APPEARANCES

Board Members present:

Board Member Nicholas J. Melas
Board Member Thomas E. Johnson
Anand Rao, Senior Environmental Scientist

Board Staff Members present:

Erin Conley

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
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Council of Illinois

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PROCEEDINGS

(July 15, 2005; 10:11 a.m.)

HEARING OFFICER KNITTLE: Let's get started.

Good morning and welcome to the Illinois Pollution Control Board. My name is John Knittle, and I am conducting this hearing today in place of Amy Antonioli, who is the assigned hearing officer in this rulemaking. The Board has captioned this proceeding as In the Matter of: Proposed Amendments to Exemptions From State Permitting Requirements For Plastic Injecting Molding Operations -- I guess Plastic Injection Molding Operations, 35 Illinois Administrative Code 201.146. The Board has docketed this as R05-20.

In this proceeding, the proponent, the Chemical Industry Council of Illinois, which we're going to call CICI, is seeking to add an exemption of plastic injection molding operations to the existing list of exemptions from state air permitting requirements in Section 201.146 of the Board's air rules. This rulemaking was filed on April 19, 2005, by CICI. The Board accepted the proposal for hearing on May 5. Today is the second hearing. The first hearing was held on July 1 at the Board's offices in Chicago.

The purpose of today's hearing is twofold.

1 First, this rulemaking is subject to Section 27(b) of the
2 Environmental Protection Act. It's 415 ILCS 5/27(b)
3 (2004). Section 27(b) of the Act requires the Board to
4 request the Department of Commerce and Economic
5 Opportunity to conduct an economic impact study on
6 certain proposed rules prior to adoption of those rules.
7 If the DCEO chooses to conduct the impact study, they
8 have 30 to 45 days after such request to produce a study
9 of the economic impact of the proposed rules. The Board
10 then must make the impact study or the explanation for
11 not conducting the impact study available to the public
12 at least 20 days before public hearing on the economic
13 impact.

14 As required by Section 27(b) of the Act, the
15 Board requested by a letter dated May 12, 2005, that DCEO
16 conduct an economic impact study of the rulemaking. They
17 did not respond, and the Board's request with no response
18 has been docketed and available for public viewing. That
19 being said, is there anybody here who has any comments on
20 the economic impact of this rule? As seeing none, we'll
21 just move forward, and that purpose of the hearing is
22 finished.

23 The second purpose is to allow the proponents to
24 testify, allow any members of the public who wish to

1 testify the opportunity to do so and to ask questions of
2 the proponents. If you would like to testify today and
3 you haven't already, please let me know. Today's
4 proceeding is governed by the Board's procedural rules.
5 All information that is relevant and not repetitious or
6 privileged will be admitted into the record.

7 To my left, your right, is Board Member Nicholas
8 Melas. He is the board member assigned to this matter.
9 We -- Also present from the board is Board Member Tom
10 Johnson right there, and from the technical unit is Anand
11 Rao, and I think we have Erin Conley in the back.

12 We will begin today with the testimony of the
13 CICI witnesses that have prefiled their testimony. They
14 prefiled on July 11. That's Miss Lisa --

15 MS. FREDE: Frede.

16 HEARING OFFICER KNITTLE: -- Frede,
17 Mr. Lynne Harris and Miss Pat Sharkey. We're going to
18 read that testimony, as we talked about earlier, into the
19 record, and then will be available for questions.

20 Don Sutton from the Agency has also prefiled
21 testimony on July 13, 2005. He's present today to answer
22 questions posed to the EPA. Please note that any
23 questions posed by board members or staff are designed to
24 help develop the complete record for the Board's decision

1 and do not reflect any bias. After that, anyone who
2 else -- who wants to testify regarding the proposal may
3 do so. Like all witnesses, those who wish to testify
4 will be sworn in and may be asked questions about their
5 testimony. We'll conclude today's hearing with a few
6 procedural items that we'll address at the end with the
7 exhibit list and stuff like that.

8 Member Melas, before we begin, would you like to
9 add anything?

10 BOARD MEMBER MELAS: Nothing to add, just to
11 welcome everybody here to beautiful Springfield, and
12 we're continuing the hearing that began up a few weeks
13 ago in Chicago.

14 HEARING OFFICER KNITTLE: Thank you,
15 Mr. Melas. I guess we can turn to Miss Sharkey. If you
16 have an opening statement or if you want to just get
17 going, it's up to you.

18 MS. SHARKEY: Thank you very much. Good
19 morning, Mr. Melas, Mr. Johnson, Mr. Rao and Mr. Hearing
20 Officer. We appreciate this opportunity to have -- once
21 again meet with the Board and to -- and the public and to
22 have the Agency present particularly today to offer
23 comments in support of this regulation. I am not going
24 to repeat any kind of opening statement. Miss Frede will

1 make a brief opening statement and will be our witness
2 today, who she will be offering the comments on behalf of
3 the CICI, and Mr. Lynne Harris, who is from The Society
4 of the Plastics Industry, who was available at -- in
5 Chicago on the 1st, will also -- is also here today and
6 available to answer questions as they may come up.

7 What we would like to do, however, is indicate
8 that we do have another proposed change to the mandatory
9 language that we have proposed. We have previously
10 provided you at the last hearing with an errata sheet
11 number two. That errata sheet made several changes.
12 It deleted the terms compression and transfer molding; it
13 made more explicit the activities that are involved in
14 handling and listed those activities; and it also changed
15 the term granulating to grinding, which we explained was
16 a more generic term.

17 The next -- That was our first errata sheet.
18 Excuse me. The second errata sheet limited the exemption
19 to plastic injection molding equipment with an annual
20 throughput not to exceed 5,000 tons. So we kept all the
21 changes that were made in the prior errata sheet and
22 limited it to -- the scope of the exemption to -- the
23 intent was to limit it to plastic injection molding
24 equipment with an annual throughput not to exceed 5,000

1 tons, and it also exempted associated mold release agents
2 and mold cleaning agents.

3 The third errata sheet we're going to be
4 providing you with we've discussed with Illinois EPA this
5 morning, and this is a matter of clarifying, and I want
6 to point out that CICI brought it to the attention of
7 IEPA rather than vice versa, so we certainly did not want
8 any misimplication that we were intending that on any
9 individual piece of plastic injection molding equipment
10 could go up to 5,000 tons. Indeed, that would be
11 impossible. So the intention here was that 5,000 tons of
12 resin facility-wide from plastic injection molding
13 equipment.

14 So what we're proposing is language that would
15 read as follows: Plastic injection molding equipment and
16 associated plastic resin loading, unloading, conveying,
17 mixing, storage, grinding, and drying equipment and
18 associated mold release and mold cleaning agents, with an
19 annual throughput not exceeding 5,000 tons of plastic
20 resin in the aggregate from all plastic injection molding
21 equipment at the source, period. With that, we would --
22 I believe that language was acceptable to the Agency.
23 I --

24 HEARING OFFICER KNITTLE: Is that correct,

1 Mr. Matoesian?

2 MR. MATOESIAN: Yes, sir.

3 MS. SHARKEY: And what we would plan to do
4 is give that to you in writing as well, but we thought
5 we'd put on the record where we are right now so that
6 there isn't any confusion about that for this hearing.

7 BOARD MEMBER MELAS: One quick question.
8 Your last word was "source."

9 MS. SHARKEY: Yes.

10 BOARD MEMBER MELAS: By source, did you mean
11 facility?

12 MS. SHARKEY: Yes. Are you more -- I think
13 I would be as comfortable with the term facility if the
14 Agency is.

15 MR. SUTTON: We generally use source.

16 MS. SHARKEY: And that means the entire
17 facility.

18 MR. SUTTON: Right.

19 BOARD MEMBER MELAS: Okay. So in your
20 operations, you generally utilize that term to describe
21 the facility.

22 MR. SUTTON: Right. We have drifted off
23 from facility to source because it has some federal legal
24 definition I can't remember, but it's a better term.

1 BOARD MEMBER MELAS: Very well. Thank you.

2 BOARD MEMBER JOHNSON: I would just point
3 out that it was -- to me it was extremely clear what you
4 meant at least in the prefiled testimony that was filed
5 on July 11, so --

6 MS. SHARKEY: Thank you.

7 BOARD MEMBER JOHNSON: -- for what that's
8 worth.

9 MS. SHARKEY: Yeah. We thought the
10 testimony made it clear, but we wanted to make sure the
11 language reflected that, and when we ourselves took a
12 second look at it, we said, you know, some of the other
13 exemptions made this clearer, so we didn't want any
14 confusion.

15 HEARING OFFICER KNITTLE: And you'll be
16 filing a third errata sheet?

17 MS. SHARKEY: Yes, we will. We'll plan to
18 have that to you next week. Okay. With that, I would
19 like to turn to Miss Lisa Frede, who is the regulatory
20 affairs director for the Chemical Industry Council of
21 Illinois, the proponent of this rule. Miss Frede will
22 have brief opening remarks to put the -- this rulemaking
23 in perspective for any members of the public that might
24 be here and will then go on and provide the responses to

1 the Board that we -- from questions that were raised in
2 the last hearing that CICI provided in its prefiled
3 testimony, and we will basically read that into the
4 record just to put us all in a frame of mind that we've
5 gotten -- that what was filed is all in mind, and at that
6 point what I would like to do is some direct examination
7 of Miss Frede to walk through the photographs that have
8 been provided to the Board. Miss Frede?

9 HEARING OFFICER KNITTLE: Can we swear her
10 in?

11 (Witness sworn.)

12 MS. FREDE: Good morning. My name is Lisa
13 Frede, and I am the director of regulatory affairs for
14 the Chemical Industry Council of Illinois, also known as
15 CICI, a not-for-profit Illinois corporation. CICI is
16 pleased to be the proponent of the rulemaking proposal in
17 this proceeding. CICI is a state-wide trade association
18 representing the chemical industry in Illinois. CICI has
19 offices in Des Plaines and in Springfield, Illinois. We
20 have 198 member companies with over 54,000 employees
21 employed in 745 manufacturing facilities and 975
22 wholesale and distribution facilities in Illinois.

23 The proposal in this proceeding will amend the
24 Board's regulations governing state air pollution control

1 permits to exempt plastic injection molding operations
2 from the state construction and operating permit
3 procedure. CICI is proposing this amendment to clarify
4 the Board's regulations and achieve efficiencies and cost
5 savings for its plastic injection molding company members
6 in Illinois and for the state permitting program.

7 Here's what this amendment will do. It will
8 appropriately regulate the insignificant level of
9 emissions generated by plastic injection molding
10 operations by treating those operations in the same
11 fashion as other operations with similarly low levels of
12 emission. It will reduce unwarranted permitting costs to
13 plastic injection molding businesses across Illinois. It
14 will also relieve owners and operators of plastic
15 injection molding operations from the risk of enforcement
16 actions based upon differences in interpretation of
17 existing categorical exemptions. Finally, it will allow
18 Illinois EPA to allocate its permitting and enforcement
19 resources to more significant emission sources. Thank
20 you.

21 MS. SHARKEY: With that, then, Miss Frede
22 would like to turn to the responses to the Board that
23 were filed in our prefiled testimony.

24 BOARD MEMBER MELAS: Okay.

1 MS. FREDE: In response to the questions
2 posed at the first hearing in this matter on July 1,
3 2005, CICI has provided certain requested information.
4 CICI witnesses Lynne Harris, Pat Sharkey and I are
5 present today to answer questions regarding these
6 responses.

7 "The Size of Facilities Exempted Under This
8 Proposal." At the July 1, 2005, hearing, the Board asked
9 how many PIM machines may be located at a given PIM
10 facility. CICI has not found any studies or data
11 directly addressing this question. However, CICI can
12 state that its member facilities have between 40 to 70
13 machines.

14 Because the size of the PIM machines varies,
15 resin throughput is better -- is a better indicator of
16 volume of emissions associated with a given facility.
17 CICI member facilities have annual PIM resin
18 throughput -- throughput ranging from 100 tons per year
19 to 3,250 tons per year. Average facility annual PIM
20 resin throughput is approximately 500 tons per year.

21 "The Estimated Volume of PIM Emissions State-wide
22 in Illinois." The Board asked what volume of emissions
23 would be exempt from permitting under this exemption. A
24 broad estimate of the total volume of emissions generated

1 by PIM processes state-wide can be derived by first
2 multiplying the number of facilities in Illinois by the
3 average volume of resin processed per facility and then
4 multiplying that number by an appropriate emission
5 factor. As indicated in Mr. Harris' testimony, a worst
6 case VOM emission factor is 0.4 pounds per ton of resin
7 processed. If we add that to the worst case emission
8 factor of 0.4 pounds per ton of resin processed for the
9 use of release or cleaning agent as discussed in Section
10 5 below, we arrive at a conservative overall VOM emission
11 factor of 0.8 pounds per ton of resin used.

12 Using the above information and the previous
13 testimony that approximately 500 PIM facilities are
14 located in Illinois, the formula for calculating
15 state-wide VOM emissions associated with PIM is as
16 follows: 500 facilities times 500 tons of resin per year
17 equals 250,000 tons of resin per year. 250,000 tons of
18 resin per year times 0.8 pounds VOM per ton resin equals
19 100 tons VOM per year.

20 CICI believes that 100 tons per year is a
21 reasonable worst case estimate of the total volume of VOM
22 emissions generated state-wide by PIM facilities in
23 Illinois. We note that this equates to 0.2 tons of VOM
24 emissions per facility per year. We further note that

1 not all of the approximately 500 PIM facilities in
2 Illinois will be exempted from state permitting under the
3 proposal in this rulemaking.

4 In response to the Board's questions regarding
5 the number of PIM facilities that have no other
6 processes, such as coating, SPI did a rough survey of its
7 members and determined that approximately 80 percent of
8 its members in the PIM industry do not perform other
9 processes at their facilities. This indicates that
10 around 20 percent of the approximately 500 Illinois PIM
11 facilities will not be covered by this exemption. Thus,
12 total state-wide emission of VOM covered by this
13 exemption are actually likely to be on the order of 80
14 tons per year.

15 To answer any concern the Board may have that
16 there may be larger volumes of emissions involved, CICI
17 has proposed in its second errata sheet to limit the
18 proposed exemption to PIM facilities with no more than
19 5,000 tons per year of resin processed. If every
20 facility in Illinois processed 5,000 tons of resin per
21 year, an extraordinary assumption, the total VOM
22 emissions subject to this exemption would be
23 approximately 1,000 tons per year. That equates to
24 approximately 2 tons of VOM per year per facility.

1 "Location of PIM Facilities in Illinois,
2 Attainment Areas and Non-attainment Areas." The Board
3 asked about the location of PIM facilities in the state
4 and whether they were primarily located in attainment or
5 non-attainment areas. To answer this question, CICI
6 reviewed the locations of the Illinois facilities listed
7 in the Plastics News "2005 Survey of North American
8 Injection Molders" at the locations of the CICI member
9 facilities and determined that 14 percent of those PIM
10 facilities are located in attainment areas and the
11 remaining 86 percent are located in non-attainment areas.
12 Of those located in non-attainment areas, all are located
13 in areas which have been designated as moderate
14 non-attainment areas under the new 8-hour ozone standard.

15 "Estimated Emission From Resin Handling
16 Operations: Loading, Unloading, Conveying, Storage,
17 Mixing, Grinding, Drying." As indicated at the July 1
18 hearing, CICI has attempted to find studies and other
19 sources of information on the volume and type of
20 emissions generated by the various activities associated
21 with resin handling operations. We have found no studies
22 directly addressing or quantifying emissions from these
23 activities. This is actually not surprising. As
24 indicated in Mr. Harris' June 16, 2005, prefiled

1 testimony, emissions from the injection molding process
2 as a whole had not been quantified prior to 1996. This
3 lack of quantified information on emissions may also be
4 explained by the nature of the materials involved and the
5 process. The resin and scrap are hardened plastic
6 materials at ambient and low temperatures. Furthermore,
7 these ancillary activities operate under negative
8 pressure. Thus, emissions from the movement of resin,
9 the drying of the resin and the grinding of the scrap
10 plastic are largely, if not entirely, drawn back into the
11 process.

12 The following information on how and where
13 emissions are formed in this process may assist the Board
14 in understanding that emissions from the ancillary
15 activities are minimal.

16 "VOM and HAP Emissions." VOM and HAP emissions
17 from plastic resin are directly related to temperature.
18 As found in the SPI studies accompanying Mr. Harris'
19 prefiled testimony, emission rates are directly
20 correlatable with the melt temperature of the resin
21 involved. Thermoplastic resins have a melt temperature
22 in the range of 300 degrees Fahrenheit to 600 degrees
23 Fahrenheit. The SPI studies demonstrated that even at
24 the melt temperatures reached in the extruder screw, VOM

1 and HAP emissions are low. Thus, the brief drying of the
2 resin at far lower temperatures to remove moisture from
3 the pellets can be presumed to generate only a fraction
4 of those emissions. The ancillary resin loading,
5 conveyance and mixing at ambient temperatures can be
6 presumed to be even lower.

7 To a varying degree, all plastic resins take on
8 moisture when they are exposed to relative humidity.
9 Even a minimal amount of moisture in many plastics can
10 negatively affect molding characteristics. Dryers
11 operated at low temperatures are often utilized to remove
12 such moisture from plastic resin prior to the plastic
13 injection molding process. The dryers blow heated
14 ambient air over the plastic resins. The temperatures
15 used for drying plastic resins are generally less than
16 one half of the melting temperature of the plastic resin
17 involved. Although CICI has not been able to find any
18 data on emissions from dryers, emissions of VOM from
19 plastic resin at the relatively low temperatures used in
20 the drying process can be presumed to result in a small
21 percentage of VOM or particulate emissions generated by
22 the overall process.

23 The conclusion that VOM emissions from resin
24 pellets handled at ambient temperatures are minimal is

1 confirmed by the polyethylene study, which measured
2 emissions of VOC from the hopper area and found that
3 emissions from this area accounted for less than 2
4 percent of the total VOCs measured.

5 "Particulate Matter Emissions." There is an
6 assumption that the movement of resin even at ambient
7 temperatures generates some level of particulate matter,
8 PM. However, CICI has been unable to find any EPA or
9 industry studies of this subject.

10 To provide the Board with some perspective on the
11 level of PM present at a PIM facility, I personally
12 visited one of CICI members' facilities on July 7, 2005.
13 I can attest that it was exceedingly clean with no dust
14 or film on the floor or the equipment, including the
15 grinder or granulator, which is presumed to be the piece
16 of equipment most likely to produce PM. I can also state
17 that none of the employees in the workplace wear
18 respiratory protection, indicating the indoor particle
19 levels meet OSHA standards without such protection. One
20 of the primary reasons that PM is so low in these
21 facilities is that product specifications require that
22 foreign material not enter the process. Another reason
23 is that injection molding and associated resin and scrap
24 handling are almost entirely enclosed operations which

1 take place under negative pressure.

2 With our prefiled testimony we have provided
3 photographs taken during my visit which we hope will
4 provide the Board with a better understanding of the PIM
5 equipment and process. Briefly, the resin is brought to
6 the machine in a cardboard Gaylord box and fed via vacuum
7 hose into the dryer and the hopper. The screw extruder
8 and the mold are entirely enclosed processes. When the
9 mold opens, the product drops to an open conveyor belt,
10 which can be seen to have little or no dust on it. I can
11 testify that the plastic product and plastic scrap
12 leaving the mold are extremely clean.

13 These scrap plastic runners and sprues are
14 removed from the mold by way of a robotic arm, which
15 drops the scrap into the grinder or granulator. As can
16 be seen from the photographs, the grinder area has little
17 or no dust. Again, this is because the grinder operates
18 under negative pressure and both the scrap plastic and
19 the associated dust are drawn into the grinder. Closing
20 the loop, the granulated plastic, while somewhat dusty,
21 is fed directly from the grinder back to the hopper and
22 then reused in the process. This takes place by way of
23 vacuum hose. Thus, the granulated plastic is never
24 exposed to ambient air.

1 Given the fact that these processes are so clean,
2 there is little likelihood that PIM machines would be
3 vented outside the workplace. CICI's survey of its
4 member facilities indicates that none of these facilities
5 vent PIM machines outside the workplace, thus there is
6 little likelihood of PIM emissions entering the outside
7 environment. To the extent that a PIM facility has
8 emissions of concern within the workplace, they are
9 subject to OSHA standards and are not regulated under the
10 Environmental Protection Act or air pollution control
11 permits issued under the Board's rules.

12 "Mold Release Agents and Cleaning Agents." Mold
13 release agent and/or mold cleaner are sometimes used in
14 the plastic injection molding process. Mold release
15 agent leaves a very thin layer of a non-stick substance
16 on the surface of the mold to help the parts fall from
17 the mold as it opens at the end of the cycle. Mold
18 cleaner is used to remove built-up residue from the mold
19 surface. Some CICI member facilities have designed their
20 molds to avoid the use of mold release altogether but
21 still use mold cleaner.

22 Historically, the volatile organic matter content
23 of aerosol mold release agents and mold cleaning products
24 was in excess of 90 percent. However, mold release

1 agents and mold cleaning products are now available in
2 water-based formulation and in formulations that utilize
3 non-photochemically reactive chemicals as carrier
4 solvents.

5 Both mold release agent and mold cleaner are
6 generally used in 12- to 16-ounce aerosol cans. Based on
7 data collected from CICI member facilities, VOM emissions
8 from mold release agent and/or mold cleaner range from
9 less than 0.1 pounds per ton of resin processed up to 0.4
10 pounds per ton of resin processed. The combined usage of
11 the mold release agents and mold cleaner at a PIM
12 facility can be conversely estimated -- conservatively
13 estimated to generate 0.4 pounds of VOM per ton of resin
14 processed.

15 In general, facilities try to design molds to
16 minimize the use of mold release agents and mold cleaner
17 because it is very inefficient to stop the PIM machine
18 periodically to apply either release agent or cleaner to
19 the mold. Well-designed molds require only a minimal
20 amount of either substance. When possible, facilities
21 try to apply mold release agent or mold cleaner only at
22 the beginning of the production shift.

23 "Definitions of Compression Molding and Transfer
24 Molding." In response to a question from the Board, CICI

1 has provided in their prefiled testimony definitions of
2 these processes from The Society of the Plastics
3 Industry, Inc. -- SPI -- Web site at
4 www.plasticsindustry.org. As stated in the first
5 hearing, CICI is no longer proposing that compression or
6 transfer molding be included in the proposed exemption
7 and does not plan to provide additional testimony
8 regarding these processes.

9 Thank you, and I would be happy to answer any
10 questions that you may have.

11 HEARING OFFICER KNITTLE: Thank you. Miss
12 Sharkey?

13 MS. SHARKEY: Yes. Mr. Hearing Officer, at
14 this time we would like to move into evidence as
15 Exhibit -- CICI Exhibit 6, I believe --

16 HEARING OFFICER KNITTLE: That's correct.

17 MS. SHARKEY: -- the prefiled testimony of
18 the CICI from which Miss Frede was just reading and also
19 the second errata sheet that was filed together with that
20 on July 15, and I just want to show that to Counsel that
21 what we're talking about is that document. With your
22 permission --

23 HEARING OFFICER KNITTLE: Do you want those
24 as one exhibit?

1 MS. SHARKEY: Or as a group exhibit if you
2 prefer.

3 HEARING OFFICER KNITTLE: That's fine.
4 Let's do a group exhibit, but it can be Exhibit No. 6.

5 MS. SHARKEY: Okay.

6 HEARING OFFICER KNITTLE: Any objection,
7 Mr. Matoesian?

8 MR. MATOESIAN: No.

9 HEARING OFFICER KNITTLE: That will be
10 admitted.

11 MS. SHARKEY: I will provide a copy to the
12 court reporter and also provide a copy to you, sir.

13 HEARING OFFICER KNITTLE: Thank you very
14 much.

15 MS. SHARKEY: To be clear, the second errata
16 sheet in Group Exhibit 6 is the errata sheet we filed on
17 the 15th. We will be filing a third errata sheet as
18 discussed earlier.

19 HEARING OFFICER KNITTLE: Understood.

20 MS. SHARKEY: At this point, what I would
21 like to do is walk through the photographs that are
22 provided in that Exhibit 6, which I would suppose be --
23 we can just refer to as the photographs 1 through 9 in
24 Group Exhibit 6.

1 HEARING OFFICER KNITTLE: Are they -- Yeah,
2 they're numbered in there?

3 MS. SHARKEY: They are numbered in there.

4 HEARING OFFICER KNITTLE: That's fine.

5 MS. SHARKEY: Okay. We also, by the way,
6 have color photocopies of this if any member does not
7 have -- if you're like us, you have the black and
8 white --

9 BOARD MEMBER JOHNSON: I didn't even copy
10 them because I don't have a color printer, but I'll --

11 MS. SHARKEY: We do have another copy of it
12 right over here.

13 BOARD MEMBER JOHNSON: Thank you.

14 MS. SHARKEY: Does anybody else need a copy
15 of that? We would like to -- We did file these comments
16 and the photographs electronically, and I believe they
17 are available in color -- I hope they're available in
18 color for the Board to review, because we have found that
19 the graininess in the black and white makes some of it a
20 little hard to see, so we have an extra copy of the color
21 ones which we can provide for the record and which we may
22 in the course of this ask Miss Frede to look at and
23 provide you with a colored copy.

24 HEARING OFFICER KNITTLE: Perhaps when

1 you're done you could provide that for our official
2 exhibit.

3 MS. SHARKEY: Okay.

4 HEARING OFFICER KNITTLE: Yeah, and it is in
5 color on the Web site.

6 MS. SHARKEY: Very good. Okay.

7 EXAMINATION OF LISA FREDE

8 BY MS. SHARKEY:

9 Q. Miss Frede, in your prefiled responses to
10 the Board's questions, you indicated that you visited a
11 CICI member's plastic injection molding facility on July
12 7. What I'd like to do is ask you some questions about
13 your observations at that facility. Could you first
14 explain to the Board what your purpose was in visiting
15 that facility?

16 A. The purpose of my visit was to provide the
17 Board with some more information on the PIM operations,
18 to basically observe the PIM machines in operation and to
19 get some photographs to present to the Board, so it was
20 to see a firsthand level of what particulate emissions
21 were present around the machines, the overall processes,
22 basically.

23 Q. Okay. And did you observe any of the
24 plastic injection molding machines in operation?

1 A. I did.

2 Q. Okay. Approximately how many machines were
3 located at the plant you visited?

4 A. There were approximately 60 PIM machines at
5 the facility that I visited.

6 Q. Do you know if this plant was typical of the
7 CICI member plant plastic injection molding facilities?

8 A. This is actually one of the larger CICI
9 member plants.

10 Q. Okay. Otherwise, in terms of its
11 production, was it typical of those facilities?

12 A. Yes.

13 Q. Looking at the pictures that were attached
14 to the prefiled responses, are you familiar with those?

15 A. I am. I've reviewed them.

16 Q. Okay. Were you present when those photos
17 were taken?

18 A. I was.

19 Q. Okay. Do you believe they're an accurate
20 depiction of what you observed?

21 A. They were.

22 Q. Very good. Turning, then, to photo number
23 1, I wonder if you would describe for the Board in your
24 own words what those photo -- that photo shows.

1 A. Okay. This is a typical -- what I appear to
2 be a typical PIM machine. Towards the left-hand side of
3 the photograph you will see the material dryer and the
4 dryer's controls sitting below it. Towards the center of
5 the picture is the grinder, and this is the area where
6 the runner and the sprue will be deposited for regrind
7 back into the process. On the top of the machine above
8 the middle of the two main boxes where you see the
9 Plexiglas is the robotic arm, and that grabs the runner
10 and sprue from the mold area, which then will deposit
11 that which I'll note as scrap back into the grinder.
12 Just below that robotic arm in that center section is
13 basically where the mold and the extruder screw come
14 together in the processes, and then in the last box on
15 the right-hand side, through the Plexiglas you can then
16 see the press, which is basically -- you see where it
17 says 120-ton press is where the two molds -- it's the
18 clamping force of the two molds together.

19 MS. SHARKEY: What we might recommend is if
20 the board members have available Mr. Harris' testimony
21 from -- which was Exhibit 3 in this proceeding, there is
22 a diagram of Exhibit 1 in Mr. Harris' testimony. That is
23 a schematic of the process which focuses on the extruder
24 screw, the hopper and the die head, and you'll recall we

1 have another exhibit that basically shows the mold at the
2 end of it.

3 Q. (By Ms. Sharkey) The piece of equipment
4 shown in that Exhibit 1 to Mr. Harris' testimony, Miss
5 Frede, is that -- could you describe for us where that --
6 what's shown in this schematic, the portions of the
7 equipment that are shown in this schematic, where they're
8 located in that -- in photograph 1?

9 A. Actually, it's a little hard to see, but the
10 mold area, the -- would be towards the right-hand of the
11 photograph contained in this box.

12 Q. Contained in the box that appears to have a
13 window on it?

14 A. Yes, the --

15 Q. That is the arrow pointing 120-ton press?

16 A. Correct.

17 Q. The mold is in that enclosed box?

18 A. Correct.

19 Q. Okay.

20 A. It then will move per this photograph
21 towards the left into the second box that is shown, where
22 it will then meet with the extruder screw that comes from
23 the left into that joint section there.

24 Q. Okay. So what -- you can't see very well

1 the extruder screw; is that correct?

2 A. Correct.

3 Q. It would be basically behind that grinder
4 and --

5 A. Correct.

6 Q. -- dryer area.

7 A. Correct.

8 MS. SHARKEY: Just to -- We wanted to help
9 the Board put in perspective what you're looking at
10 there.

11 BOARD MEMBER MELAS: I can see it.

12 Q. (By Ms. Sharkey) Okay. Miss Frede, did you
13 measure the dimensions of the plastic injection molding
14 machine that -- what we've just discussed, the mold and
15 the extruder screw?

16 A. Yes. This machine shown in picture 1 is
17 approximately fourteen feet in length and four feet in
18 width.

19 Q. Okay.

20 HEARING OFFICER KNITTLE: That's the entire
21 machine or just the part that's labeled 120-ton press?

22 MS. FREDE: That would be the entire
23 machine.

24 Q. (By Ms. Sharkey) Would that go all the way

1 to the end of the extruder screw?

2 A. It does.

3 Q. So it's the extruder screw and the enclosed
4 mold.

5 A. Correct.

6 MR. RAO: Miss Frede, just for the record,
7 can you just explain what sprue means?

8 MS. FREDE: Sure.

9 MS. SHARKEY: Sprue?

10 MR. RAO: Sprue.

11 MS. FREDE: Sprue? Can I show the Board?

12 MS. SHARKEY: We can offer into evidence if
13 this would be of assistance at this point -- we did plan
14 to offer it later.

15 MR. RAO: Yeah. Yesterday we figured out
16 what this was, but we thought in the process of reading
17 the record --

18 MS. FREDE: Just to make sure.

19 MR. RAO: Yeah.

20 MS. FREDE: This portion right here, this
21 little tab on the runner, is the sprue.

22 MR. RAO: Okay.

23 MS. SHARKEY: If you'd let the record show
24 that Miss Frede is holding what we are going to offer as

1 CICI Exhibit 7 by a small --

2 MS. FREDE: Cylindrical tab.

3 MS. SHARKEY: -- cylindrical tab at the top
4 of this piece of plastic that's called a runner, and it
5 is that little tab that the robotic arm actually --

6 MS. FREDE: Grasps.

7 MS. SHARKEY: -- picks up and holds; is that
8 correct?

9 MS. FREDE: Correct.

10 HEARING OFFICER KNITTLE: That's the sprue.

11 MS. SHARKEY: That's the sprue.

12 HEARING OFFICER KNITTLE: Any objection to
13 that, Mr. Matoesian, as Exhibit 7?

14 MR. MATOESIAN: No objection.

15 HEARING OFFICER KNITTLE: We'll admit that.

16 BOARD MEMBER MELAS: The robotic arm --

17 MS. FREDE: Comes up, and I'll show that to
18 you further.

19 HEARING OFFICER KNITTLE: I'm going to
20 docket that as sprue and associated plastic.

21 BOARD MEMBER MELAS: Would that entire piece
22 be considered the scrap?

23 MS. FREDE: Yes.

24 BOARD MEMBER MELAS: Because the actual

1 mold -- the product that you're making is not that.

2 MS. FREDE: Correct.

3 MS. SHARKEY: And we'll clarify that for you
4 further.

5 Q. (By Ms. Sharkey) And that piece would be
6 referred to -- the larger portion would be referred to as
7 a runner, would it not?

8 A. Correct.

9 BOARD MEMBER MELAS: But you reuse that.

10 MS. FREDE: Yes, sir.

11 Q. (By Ms. Sharkey) Okay. Turning, then, to
12 photo number 2, Miss Frede, would you describe what we're
13 looking at in photo number 2?

14 A. This is the so-called beginning of the
15 machine process. This large box you're seeing in the
16 photograph is what's referred to as a Gaylord. It's
17 approximately 36 inches by 36 inches. It is lined with
18 plastic. Inside this box is the actual resin material
19 that is used in the process of plastic injection molding.

20 Q. Okay. Did you have an opportunity to
21 observe that box?

22 A. I did.

23 Q. Okay. What was inside?

24 A. This wonderful resin.

1 Q. I'm showing you what we have -- or would
2 like to mark as CICI Exhibit No. --

3 HEARING OFFICER KNITTLE: 8.

4 Q. -- 8 in this proceeding, and could you
5 identify for us what that is?

6 A. This is the plastic resin that's used in the
7 process at this machine in this picture.

8 Q. Okay. And is the material similar to the
9 pellets that you observed in the Gaylord shown in this
10 picture?

11 A. Yes. I was actually witness to them
12 removing these pellets from the Gaylord.

13 MS. SHARKEY: And at this time we'd like to
14 offer this resin into evidence as CICI Exhibit 8.

15 HEARING OFFICER KNITTLE: Mr. Matoesian?

16 MR. MATOESIAN: No objection.

17 HEARING OFFICER KNITTLE: That'll be
18 admitted.

19 MS. SHARKEY: You can put a sticker on it.
20 It might be better on that.

21 HEARING OFFICER KNITTLE: Yeah, I'll sticker
22 it later. Thank you.

23 MR. RAO: So depending on the color of the
24 product, the resin color changes, correct?

1 MS. FREDE: Yes.

2 BOARD MEMBER MELAS: That's a good question.
3 For example, I presume this bottle cap is a typical
4 product that's made in a plastic injection molding
5 machine?

6 MR. HARRIS: Yes.

7 BOARD MEMBER MELAS: And there is -- it's
8 primarily white, but there's a little bit of blue on it.
9 Do you use different colored resins or is this done
10 during the process, applied during the process?

11 MS. SHARKEY: Can I -- Mr. Harris was sworn
12 in in the prior hearing and I was sworn in as well. Is
13 that --

14 HEARING OFFICER KNITTLE: Yeah, but let's
15 swear you all in again just to make certain. Can you
16 swear --

17 MS. SHARKEY: He may be the best person to
18 answer that question.

19 HEARING OFFICER KNITTLE: -- Mr. Harris in
20 again, and Miss Sharkey as well if you're going to --
21 (Witnesses sworn.)

22 HEARING OFFICER KNITTLE: And you answered
23 one question before we swore you in, and that was whether
24 that bottle cap that Mr. Melas is holding up is a typical

1 product, and you indicated yes.

2 MR. HARRIS: Yes, typical.

3 BOARD MEMBER MELAS: This may be getting
4 into a little excessive detail, I don't know, but this
5 has got color on it. Do you use -- Is it made in the
6 manufacturing process, they use two different colored
7 resins, or is this painted afterwards?

8 MS. SHARKEY: Mr. Melas, could we examine
9 that? Because there are processes that would print and
10 there are processes that would actually have embedded
11 color resin.

12 BOARD MEMBER MELAS: Because last -- at the
13 last hearing I happened to have a water bottle with a
14 blue cap. I presume that was made with blue resin,
15 correct, Mr. Harris?

16 MR. HARRIS: Yes. This is actually printed
17 on.

18 HEARING OFFICER KNITTLE: But for a solid
19 blue color, Mr. Melas is asking, that would have been
20 made as a result of blue resin, correct?

21 MR. HARRIS: Correct.

22 MS. SHARKEY: For example, if we're looking
23 at this bottle top on top of Mr. Rao's Ice Mountain, that
24 would be a -- would be done with blue resin; is that

1 correct, Mr. Harris?

2 MR. HARRIS: Yes, and Miss Frede will show
3 you in the subsequent pictures how some of the process
4 works.

5 BOARD MEMBER MELAS: Great. Okay.

6 Q. (By Ms. Sharkey) Okay. In taking a look at
7 photo number 2 again, is the material that -- excuse me.
8 Strike that. Is -- Did you notice any dust in or around
9 this Gaylord?

10 A. I did not.

11 Q. Okay. Anything on the plastic liner?

12 A. Did not notice any dust.

13 Q. Any dust at all on the floor or in the area?

14 A. Did not notice any.

15 Q. All right. Did you see anybody sweeping or
16 mopping?

17 A. No.

18 Q. Cleaning around you?

19 A. Did not.

20 Q. Okay. Did any -- Did you observe any other
21 Gaylords in the facility?

22 A. I did.

23 Q. Did you find any of them had any greater
24 quantity of dust or dirt than what you observed here?

1 A. I did not notice any.

2 Q. Okay. With that, we'd like to turn to photo
3 number 3. Miss Frede, would you explain what you -- we
4 are looking at in photo number 3?

5 A. This is a side view. As you can see on the
6 left-hand side of the picture, that is the Gaylord that
7 you just reviewed in page 2, picture 2. You will see a
8 hose exiting out of the box. This is a vacuum hose that
9 is installed towards the bottom of the box to suck the
10 resin into the hopper. The lid is ajar because this is
11 working under negative pressure, so you don't want to
12 collapse the cardboard on top of the resin during the
13 process. This is a completely contained system. The
14 vacuum hose will then feed the resin into the hopper from
15 this point.

16 Q. Okay. Thank you very much. Did you observe
17 any conveyance of resin in the PIM facility you visited
18 other than by vacuum hoses of this type?

19 A. I did not.

20 Q. Looking at photo number 4, could you
21 describe what we're looking at in photo number 4?

22 A. This is a dryer unit in the center of the
23 picture. What you're seeing is a cylindrical piece of
24 equipment. The cylindrical portion is the actual dryer.

1 What you'll notice to the left of that are the supply and
2 return hoses that are bringing the warmed ambient air
3 into the dryer.

4 HEARING OFFICER KNITTLE: You want to hold
5 on just a second?

6 MS. FREDE: Sure.

7 HEARING OFFICER KNITTLE: You've lost your
8 counsel. Let's go off the record until Miss Sharkey
9 comes back.

10 (Brief recess taken.)

11 HEARING OFFICER KNITTLE: Let's go back on,
12 then, and you can continue your testimony.

13 A. You'll notice to the left of the drying
14 unit, the dryer, those are the supply and return hoses
15 that blow the warmed ambient air into the dryer. That is
16 to take any humidity off of the product depending on the
17 product used, whatever your resin product is. In front
18 of that unit you will see two hoses. One is coming from
19 the Gaylord with the resin coming into the product. The
20 other's coming from the regrinder. These are completely
21 contained coming in this unit, also under negative
22 pressure. To the bottom right-hand view of the picture
23 you'll see two dials there, and that's the actual control
24 to create the negative suction for the hoses.

1 Q. (By Ms. Sharkey) Okay. And is -- this
2 portion of the operation, then is it fair to say it's
3 entirely enclosed?

4 A. Yes.

5 Q. Did you see any dust or -- on the machines
6 themselves, on the hoses, on the floor, anywhere in this
7 area?

8 A. I did not.

9 MS. SHARKEY: Are there any questions?

10 BOARD MEMBER MELAS: Yeah. In looking at
11 this, then --

12 HEARING OFFICER KNITTLE: Is that picture
13 number 4?

14 BOARD MEMBER MELAS: Picture number 4.
15 You're actually bringing together material -- let's say
16 virgin material from the Gaylord and material that's been
17 reground, mixing them together, and they go on into the
18 process.

19 MS. FREDE: Correct.

20 BOARD MEMBER MELAS: And they're both under
21 negative pressure, I presume.

22 MS. FREDE: Correct.

23 BOARD MEMBER MELAS: Okay.

24 Q. (By Ms. Sharkey) Looking at photo number 5,

1 then, Miss Frede, would you please explain what we're
2 looking at in that photo?

3 A. Yes, I'd be happy to. The hose you see
4 coming from the bottom left corner of the picture up,
5 that is the supply hose coming from the Gaylord. The
6 hose dead center would be coming from the grinder. Those
7 are going into the autoloader, and you'll see a bag
8 directly to the right of that. That is collecting any of
9 the particulate matter, similar to what you would see as
10 a vacuum bag. However, this is more of a canvas
11 material, a tighter weave. Just below those hoses and
12 bag is the actual hopper that we've described at the last
13 hearing. This machine does not have a dryer on it in
14 this photograph. Some machines require dryers, some do
15 not. Again, it depends on the material, the resin being
16 used.

17 Q. Miss Frede, taking a look at picture number
18 5 in color -- I have a color copy that I'm showing you --
19 is it clearer on there?

20 A. It is.

21 MS. SHARKEY: All right. We will be
22 providing the Board with a full set of hard copy color
23 copies to take a look at after Miss Frede finishes her
24 testimony.

1 HEARING OFFICER KNITTLE: That would be very
2 helpful.

3 MS. SHARKEY: I apologize that we don't have
4 multiple copies right now.

5 HEARING OFFICER KNITTLE: Not a problem.

6 MR. RAO: In this picture number 5, you have
7 a hose coming directly from the Gaylord. Is that
8 material ground material or is it just --

9 MS. FREDE: If you'll refer back to picture
10 number 2, I believe it is -- yes, 2 -- I'm sorry. Pardon
11 me. 3. This is the same machine that these pictures are
12 taken from. The hose you see in picture number 3 is the
13 same hose that's being fed into picture number 5.

14 MR. RAO: Okay. So it's not going through
15 the grinder.

16 MS. FREDE: The Gaylord material is separate
17 from the grinding material.

18 MR. RAO: Okay.

19 BOARD MEMBER MELAS: Because the two are
20 mixed after.

21 MR. RAO: Yeah. The two are mixed -- Okay.
22 This is where they're mixed, right?

23 BOARD MEMBER MELAS: Yeah.

24 Q. (By Ms. Sharkey) Miss Frede, is this going

1 through a dryer? Is there any dryer involved in this
2 particular plastic --

3 A. It is not.

4 Q. Okay. Is that typical that in some
5 instances it may not go through a dryer?

6 A. That could happen. It depends on the raw
7 material, the resin that is going through. Some product
8 requires a dryer, some does not.

9 Q. Okay. Did you observe any dust on this
10 equipment?

11 A. I did not.

12 Q. Okay. If there are no more questions on
13 that, we'll turn to number 6. Could you describe what
14 you're looking at in photo number 6, please?

15 A. This is the front side of photograph number
16 1. This is the front of the machine. What you will see
17 here on the left side of the photograph is where the
18 molding process is. The second -- Dead center of the
19 photograph you'll see a second contained box with a
20 Plexiglas front with a control panel in the front. That
21 sits just above the conveyor belt. This is where the
22 extruder screw and the molds come together.

23 HEARING OFFICER KNITTLE: Can we see the
24 extruder screw now? Is that on the left or is that still

1 on the right?

2 MS. FREDE: Yes, that would be to the left
3 of the photograph. It's a long rectangular box.

4 HEARING OFFICER KNITTLE: That's what we
5 identified before as that long box sticking out of the
6 side of the --

7 MS. FREDE: Correct. That was hidden by the
8 dryer. I'm sorry. That was hidden by the grinder in the
9 first one.

10 Q. (By Ms. Sharkey) Looking at photo number 6,
11 can you explain to us what we see below -- where exactly
12 the mold is in -- behind the Plexiglas and what's
13 occurring below that mold?

14 A. The mold is -- I'm sorry. Can you repeat
15 that again?

16 Q. Yeah. Taking a look at photograph number 6,
17 there's two -- what appears to be two boxes --

18 A. Uh-huh.

19 Q. -- with two Plexiglas windows, and there's
20 one of them that has printed above it Van Dorn. Is the
21 mold inside that particular box?

22 A. It is in this photograph.

23 Q. Okay. And what's directly below that?

24 A. That would be the conveyor belt where the

1 end product is then being deposited into the collection
2 pan below.

3 MS. SHARKEY: Okay. So this photograph is
4 offered as an overview again of this side of this piece
5 of equipment.

6 HEARING OFFICER KNITTLE: Thank you.

7 Q. (By Ms. Sharkey) In turning now to page
8 number 7, photo number 7 --

9 BOARD MEMBER MELAS: Before we go to 7, when
10 the product comes out, is it still fairly warm?

11 MS. FREDE: The product that I had
12 personally touched, no, it was not.

13 BOARD MEMBER MELAS: So it's warmed by --
14 when it gets to the extruder, and by the time it actually
15 gets to the mold, I suppose it transfers a lot of its
16 energy to the surface of the mold, and when it comes out
17 it's lost a lot of its energy so it's cooler.

18 MS. FREDE: Right. Did you want to --

19 MS. SHARKEY: I think Miss Frede can speak
20 from her own observation but Mr. Harris can explain a
21 little bit more the temperature.

22 MR. HARRIS: I didn't see this machine, but
23 generally some of the molds actually have cold water
24 jackets to cool them down even further.

1 BOARD MEMBER MELAS: Even further. Okay.

2 MS. SHARKEY: But the -- Mr. Harris is
3 prepared to any address any questions you may have about
4 the temperature in the mold and the temperature in the
5 dryer as well, and --

6 BOARD MEMBER MELAS: Good.

7 MS. SHARKEY: Which is lower, is it not,
8 Mr. Harris?

9 MR. HARRIS: Yes.

10 MS. SHARKEY: Okay.

11 BOARD MEMBER MELAS: Now photo 7.

12 Q. (By Ms. Sharkey) Yeah. Moving to number 7,
13 Miss Frede, what are we looking at here?

14 A. This is the front view of the previous
15 photograph in 6. This shows you the two molds coming
16 together above in the top portion of the picture, then it
17 also shows you the conveyor belt directly below those
18 mold presses.

19 Q. Okay. I am showing you what we have -- are
20 going to label as CICI Exhibit No. 9, and can you
21 identify what these are?

22 A. These are products coming out of the
23 picture.

24 HEARING OFFICER KNITTLE: Picture number 7,

1 right?

2 A. Picture number 7, yes. This is the end
3 product, the actual plastic that -- the actual form that
4 came out of the mold.

5 Q. Okay. So those are the same little white
6 pieces that we're seeing on the conveyor belt in this
7 photograph?

8 A. Correct.

9 MS. SHARKEY: Okay. Mr. Matoesian, would
10 you like to take a look? Would you like to keep one?

11 MR. MATOESIAN: What exactly are these?

12 MS. SHARKEY: Widgets.

13 MR. MATOESIAN: Widgets.

14 MS. SHARKEY: We have a bag of these that we
15 would like to offer into evidence, and I believe we --

16 HEARING OFFICER KNITTLE: We're on to No. 9.

17 MS. SHARKEY: CICI Exhibit No. 9.

18 HEARING OFFICER KNITTLE: Mr. Matoesian, any
19 objection to the widgets?

20 MR. MATOESIAN: No.

21 HEARING OFFICER KNITTLE: Those will be
22 admitted.

23 Q. (By Ms. Sharkey) So this is in fact the end
24 product of the process.

1 A. This is for this machine, yes.

2 Q. Okay. And I'm going to show you a color
3 photograph of that. Again, this is the color photograph
4 of number 7. Would you agree that it's clearer in this
5 photograph?

6 A. Oh, most definitely.

7 Q. And you can actually see the mold up above?

8 A. Yes, you can.

9 Q. Okay. And what color is the conveyor belt?

10 A. It's a dark blue.

11 Q. Okay. Did you see any dust on that conveyor
12 belt at all?

13 A. I did not.

14 Q. Do you have an opinion about the cleanliness
15 of the product that -- the widget that we just offered
16 into evidence?

17 A. It actually was very clean as it came off
18 the conveyor belt. The end product did not have any --
19 you know, any extra particulate matter on it that I could
20 tell.

21 Q. Okay. Very good. And it looks very much --
22 in other words, it looked the same as the --

23 A. Exactly.

24 Q. -- widget that the Hearing Officer is

1 holding in his hand.

2 A. Correct.

3 Q. Thank you. Okay. Is -- I'm sorry. If we
4 could stay for one more moment with photo number 7, we've
5 talked about the other portions of the process involving
6 vacuum hoses and being completely enclosed where the
7 resin is involved. Is this particular -- In the picture
8 we're looking at, are there any openings here in the
9 process?

10 A. There are. The opening below -- underneath
11 the machine -- Between the machine and the conveyor belt
12 is open, thus the mold opens and the product drops
13 directly into the conveyor belt.

14 Q. Okay. Very good. So if in fact there were
15 a release of the emissions, that this would be the point
16 at which you would see them? Perhaps you're not
17 comfortable answering that.

18 A. Yeah, I'm uncomfortable --

19 Q. Thank you. We'll ask that question for
20 Mr. -- save that question for Mr. Harris. Okay. Moving,
21 then, to Exhibit -- excuse me -- photo number 8, could
22 you explain what we're looking at in that photo?

23 A. This is a photo of the grinder and of the
24 robotic arm, and as you can see in the picture, it's --

1 more clear in the -- in color is the actual runner and
2 sprue on -- in the palm of the robotic arm there. It's
3 being dumped into the grinder. What you'll see is
4 basically a funnel that goes -- the runner and sprue will
5 be dropped into. It then goes down to where you see the
6 word Nelmar. That is where the grinding is taking place.

7 Q. Did you observe any dust on the grinder
8 here?

9 A. I did not.

10 Q. Not -- And that funnel part, did you observe
11 any dust above it as the runner and sprue were being
12 dropped in and around?

13 A. I did not.

14 Q. Okay. Is this open at the top?

15 A. It is.

16 Q. So this is another location in which there
17 is an opening at the top of the grinder at the top of
18 that hopper.

19 A. Correct.

20 Q. And how -- is a single -- it appears in this
21 photograph that a single runner is dropped into this
22 grinder at a time; is that correct?

23 A. That is correct.

24 Q. And how often is that -- does that occur in

1 this process?

2 A. From what I witnessed, it was approximately
3 once every ten seconds.

4 Q. Okay. And you didn't see a puff of dust or
5 anything above that grinder --

6 A. I did not.

7 Q. -- as this was dropped in.

8 A. I did not.

9 Q. Okay. At this point, if we would turn to
10 Exhibit -- photo number 9, please, could you explain what
11 we're looking at in that photo?

12 A. This is the bottom half of the dryer --
13 excuse me -- bottom half of the grinder that we just
14 viewed in photograph number 8. What you are seeing here,
15 again, towards the top part of the picture you can see
16 the N written on the machine. That is the grinder area.
17 As you look below you'll see a hose and what appears to
18 be a drawer. That is where the grinder -- excuse me --
19 the regrind is located. The hose is then -- The regrind
20 is then fed through the hose and back up to the hopper.

21 Q. Okay. I am showing you what has been
22 offered as -- what I'd like to offer as CICI Exhibit
23 No. 10, I believe. Could you identify what that material
24 is?

1 A. This is the regrind that was taken out of
2 the drawer in photograph number 9.

3 Q. And why was that regrind taken out of the
4 drawer?

5 A. Because the whole system works under
6 negative pressure under a vacuum, so the only way to get
7 into the system is to open the drawer up to retrieve that
8 material.

9 Q. Was this drawer opened solely to provide you
10 with a sample of the regrind?

11 A. It was.

12 Q. Would otherwise that regrind have otherwise
13 been exposed to the air in any other way?

14 A. No.

15 Q. Okay. So it would have been exiting the
16 system -- it would have been created in the grinder; is
17 that correct?

18 A. It would have been created in the grinder
19 and then via gravity comes down to the lower portion of
20 the drawers and then fed back via negative pressure.

21 Q. So you requested a sample and the plant
22 personnel offered you -- opened the drawer --

23 A. Yes.

24 Q. -- and offered you the sample?

1 A. Yes.

2 Q. Okay. And that is in fact how it looked
3 when it came out of the machine?

4 A. That's exactly how it looked.

5 MS. SHARKEY: Okay. We'd like to offer this
6 as regrind -- a small bag of regrind as CICI Exhibit --

7 HEARING OFFICER KNITTLE: 10.

8 Mr. Matoesian?

9 MS. SHARKEY: You want a sample?

10 MR. MATOESIAN: No, that's all right. No
11 objection.

12 HEARING OFFICER KNITTLE: It's admitted.

13 (Off the record.)

14 Q. (By Ms. Sharkey) Okay. How would you
15 describe the level of dust on this product, on the
16 regrind? Was it dustier than the resin itself?

17 A. Yes.

18 Q. Okay. But did you see any dust in the area
19 around the grinder at all?

20 A. I did not.

21 Q. Okay. Nothing on the floor or the equipment
22 in that area?

23 A. Nothing.

24 Q. I'm sorry if this is repetitive, but again,

1 where does the hose at the bottom of this lead? Where is
2 it taking that regrind material?

3 A. The hose will take this regrind back into
4 the hopper or dryer, depending on the machine.

5 MS. SHARKEY: Okay. While that finishes the
6 photographs that we were -- had provided in prefiled
7 testimony and I think closes the loop on how this
8 operation works, there is one other piece of equipment
9 that we realized we had not provided you with a photo of,
10 so we wanted to provide you with a photo that we've
11 marked as -- that we'll have to mark as another exhibit,
12 I guess, and I have some extra copies for others.

13 HEARING OFFICER KNITTLE: This is Exhibit
14 No. 11?

15 MS. SHARKEY: Yes, and I can give you a
16 color one right now.

17 HEARING OFFICER KNITTLE: Oh, sure.

18 Q. (By Ms. Sharkey) Miss Frede, taking a look
19 as what we have marked as Exhibit 11, could you explain
20 to the Board what we're looking at, in particular what we
21 wanted to show with that piece -- that photograph?

22 A. What you will see is the colorant mixing
23 equipment in this photograph directly below what is
24 labeled as the material hopper. To the right of that

1 hopper you will see a material dryer. From my
2 understanding of the facility I was at and the questions
3 that were given to me by the facility plant employees,
4 the colorant is in a resin form. It is not in a liquid
5 form. They are -- The colored resin and the resin coming
6 from the Gaylord are mixed at the hopper. That allows
7 for a better quality of color mixing in the product.

8 Q. And again, did you see any dust at all
9 around this area?

10 A. I did not.

11 Q. Okay. And that's a completely enclosed
12 process, the mixing?

13 A. It is.

14 Q. The material from the mixer goes where?
15 Does it go directly into the extruder screw?

16 A. It does.

17 MS. SHARKEY: Are there any questions about
18 the photographs? That basically completes our review of
19 the photographs.

20 HEARING OFFICER KNITTLE: Just one second,
21 please. No, we're fine on that. And you want to offer
22 this as Exhibit 11?

23 MS. SHARKEY: Yes.

24 HEARING OFFICER KNITTLE: Mr. Matoesian, any

1 objections?

2 MR. MATOESIAN: No objection.

3 HEARING OFFICER KNITTLE: That'll be
4 admitted as Exhibit 11.

5 MS. SHARKEY: Oh, I'm sorry. Excuse me.
6 Did I hand you the wrong --

7 HEARING OFFICER KNITTLE: This is a color --

8 MS. SHARKEY: I apologize. I had the wrong
9 photograph here.

10 MR. RAO: The black and white are the right
11 one.

12 MS. SHARKEY: This is the correct one.
13 Excuse me. Do you want to take another minute and take a
14 look at that, make sure there are no questions?

15 HEARING OFFICER KNITTLE: Mr. Melas?

16 BOARD MEMBER MELAS: Let me take a look at
17 that.

18 HEARING OFFICER KNITTLE: How would you
19 describe that, just so we -- a photograph of what,
20 exactly?

21 MS. SHARKEY: It's a photograph of the
22 mixer.

23 MR. RAO: Color mixer.

24 MS. SHARKEY: Color mixer.

1 HEARING OFFICER KNITTLE: Color mixer.

2 BOARD MEMBER MELAS: And you said the
3 colored material is liquid.

4 MS. FREDE: No, it is not liquid. It is
5 resin, from my understanding.

6 BOARD MEMBER MELAS: Oh, it's also resin.

7 MS. SHARKEY: When you say resin, do you
8 mean a bead or a pellet?

9 MS. FREDE: Yes.

10 BOARD MEMBER MELAS: Yeah. Okay.

11 HEARING OFFICER KNITTLE: And,
12 Mr. Matoesian, you don't have any objection to this
13 picture either, correct?

14 MR. MATOESIAN: No.

15 HEARING OFFICER KNITTLE: This will be
16 admitted as Exhibit 11.

17 BOARD MEMBER MELAS: Exhibit No. 11.

18 HEARING OFFICER KNITTLE: We have no
19 questions. Mr. Matoesian, do you have any questions on
20 any of those photographs?

21 MR. MATOESIAN: No, I don't.

22 HEARING OFFICER KNITTLE: Miss Sharkey, do
23 you have any other witnesses you'd like to present?

24 MS. SHARKEY: Well, what I'd like to do is

1 just briefly walk through with Miss Frede a few more
2 questions --

3 HEARING OFFICER KNITTLE: Sure.

4 MS. SHARKEY: -- that don't pertain to --
5 pertain to her observations and other work she's done in
6 relation to our prefiled testimony.

7 Q. (By Ms. Sharkey) In walking through the
8 plant, what was your -- did you see anybody wearing masks
9 or other type of respiratory protection?

10 A. I did not.

11 Q. Okay. Can you give the Board your overall
12 impression of the cleanliness of the equipment and the
13 work area you observed?

14 A. I can. Previous to coming to CICI, I was a
15 health inspector for the County of Will in the state of
16 Illinois and had visited several other facilities
17 throughout the state that require a basis of cleanliness.
18 I have been into a microchip production facility, which
19 requires them to have HEPA filters and be very clean.
20 I've also been into restaurants which are required to be
21 clean, and I can literally say that this is -- facility
22 was cleaner than most restaurants I've ever been in, and
23 it was equated to what you would have for a microchip
24 production facility. It was extremely clean.

1 Q. Okay. Did you observe any venting from
2 these machines to the outside?

3 A. I did not.

4 Q. Did you inquire with your CICI plastic
5 injection molding member facilities whether or not any of
6 them vent to the outside?

7 A. I did do a brief survey of my facility
8 members, and it was expressed to me by each one of them
9 that they do not vent the machines to the outside.

10 Q. Okay. In the prefiled testimony there's a
11 discussion of mold release agents and mold cleaners.
12 Have you inquired with your plastic injection molding
13 member facilities whether or not any of them use mold
14 release agents or mold cleaners?

15 A. I did do a survey of my members. Some of
16 them do use usually one or the other, but they do not use
17 both. My understanding is there's a difference in usage
18 between the two products.

19 Q. Okay. And can you explain -- have you in
20 conversations with your members learned anything about
21 how they apply this material?

22 A. From what I -- From my understanding of the
23 conversation that I've had, the whole conceptual idea of
24 the mold cleaner is just that. It's to keep the molds

1 clean. You do not want any foreign material in your end
2 product. The product needs to keep its quality, and thus
3 the cleaner allows for the molds to remain clean so you
4 do not have any residue left over in them.

5 Q. Okay. And a mold -- that's a mold cleaner
6 and a mold cleaner agent?

7 A. A mold cleaner. A mold release agent is
8 literally that. It is to get the mold to release -- to
9 get the product to release from the mold. Unfortunately,
10 this -- usage of this product requires the machine to be
11 stopped to be sprayed on the molds, so you're slowing
12 down your production of the actual product.

13 Q. Okay. And how many -- in the prefiled
14 testimony there was an indication that it was used once
15 every shift. Is that reflective of what your members
16 told you?

17 A. Yes.

18 Q. As a standard --

19 A. Standard operating procedure, yes.

20 Q. Okay. And that it depends on the particular
21 mold whether you're going to use a mold release agent,
22 whether a mold release agent is needed?

23 A. Correct.

24 Q. All right. And how is it -- in what kind of

1 container is the mold release agent generally used?

2 A. They're in spray cans, approximately 12- to
3 16-ounce spray cans.

4 Q. Okay. And -- excuse me. Do you know if the
5 facility that you visited used a mold release agent or a
6 mold release cleaner?

7 A. They did use a mold release cleaner.

8 Q. Okay. And did they use it only one time a
9 shift?

10 A. I did not witness the usage of it, but from
11 my understanding, talking to the plant, they use it once
12 a shift.

13 Q. Do CICI members use any kind of water-based
14 or nonreactive cleaners or mold release agents?

15 A. I did not get a precise number on that
16 feedback for the water-based, so I cannot assume they do
17 or they do not.

18 Q. Have they given you any information about
19 what -- any kinds of issues or problems there may be with
20 the water-based or nonreactive?

21 A. The water-based nonreactives tend to be more
22 expensive and they do not necessarily perform as well as
23 the current mold release agents and mold cleaners.

24 MS. SHARKEY: Okay. I have no more

1 questions.

2 HEARING OFFICER KNITTLE: Any questions of
3 Miss Frede?

4 BOARD MEMBER MELAS: Yes, just one. The
5 aerosol cans, do you have any idea what the propellant
6 is?

7 MS. FREDE: I would not -- I'm not an expert
8 to say on that.

9 MS. SHARKEY: Can we have a moment?

10 (Off the record.)

11 MS. SHARKEY: Sorry for the delay. Mr. --
12 Maybe we can get an answer to this by asking Mr. Harris.

13 Mr. Harris, are you aware of what the propellents
14 are and whether or not they're similar to what one would
15 find in any other aerosol type of can?

16 MR. HARRIS: From what I understand, they're
17 about the same as you would from any aerosol can.

18 MS. SHARKEY: Would some of those be
19 ozone-depleting types of chlorofluorocarbons?

20 MR. HARRIS: It would run the gamut from
21 that to carbon dioxide or propane.

22 MS. SHARKEY: Does that answer your
23 question, Mr. Melas?

24 BOARD MEMBER MELAS: It couldn't be the

1 chlorofluorocarbons. They've been prohibited. I don't
2 think anybody manufactures them.

3 MR. HARRIS: Oh. I mean, in the past it's
4 been -- in answer to the question, it's any kind of
5 propellant that's been used in the past. These days it's
6 the same kind of propellants that you would use in bug
7 spray or --

8 BOARD MEMBER MELAS: Okay.

9 MR. RAO: And just as a follow-up, this mold
10 cleaner or release agents, they are manually applied to
11 the molds?

12 MR. HARRIS: They're sprayed.

13 MR. RAO: Yeah. They're sprayed. There's
14 no automatic mechanism built into the machines?

15 MR. HARRIS: (Shakes head back and forth.)

16 HEARING OFFICER KNITTLE: Anything further?
17 Miss Sharkey, do you have any further --

18 MS. SHARKEY: We don't have any further
19 questions at this point or points I'd like to make.
20 We're -- We might want to clarify a point on -- Could you
21 give me one moment to think about whether or not we want
22 to ask Mr. Harris a question?

23 HEARING OFFICER KNITTLE: Sure. Let's go
24 off the record while they do that and then you guys can

1 ready yourselves.

2 (Off the record.)

3 HEARING OFFICER KNITTLE: Miss Sharkey, do
4 you have any further questions or any further testimony
5 you'd like to provide?

6 MS. SHARKEY: Yeah. We thought that in
7 order to answer the question that was raised earlier
8 about temperatures that we'd indicated that Mr. Harris
9 would be the best person to answer those questions, so I
10 think maybe a few -- I can ask a few questions of
11 Mr. Harris to try to just give the Board some more
12 perspective on the temperatures involved with these --
13 with the product at the point that that mold is opening
14 and also with the dryer.

15 EXAMINATION OF LYNNE HARRIS

16 BY MS. SHARKEY:

17 Q. Mr. Harris, referring to your prefiled
18 testimony, which is Exhibit 3 in this proceeding, would
19 you -- could you give us -- is there anything in that
20 that provides perspective on the kinds of temperatures
21 that are reached when the plastic is melted in the screw
22 extruder?

23 A. In terms of emissions?

24 Q. Yeah, the temperatures that are in the

1 emissions. Are they -- They're shown on Exhibit 9 --

2 A. Yes.

3 Q. -- in your prefiled testimony, are they not?

4 A. Right.

5 Q. Okay. Could you give us an overview of what
6 the range of those temperatures are for the melting of
7 the plastic?

8 A. They range from about 325 to 600 degrees
9 Fahrenheit.

10 Q. Okay. That's in Exhibit 9 to Exhibit 3.
11 And when -- in your studies and the SPI studies that have
12 measured the emissions from the extruder die, it's
13 material that has been heated to those temperatures, is
14 it not?

15 A. Yes, that's correct.

16 Q. Okay. And looking at the -- also in your
17 prefiled testimony, the -- what is Exhibit 5 in the
18 Harris Group Exhibit 3, which is an SPI study entitled
19 "Development of Emission Factors For Polyethylene
20 Processing," turning to page 579 of that study, that
21 technical paper, there are some graphs labeled.
22 Particularly focusing on the one labeled as figure 6,
23 what do we see in terms of temperature in the -- in terms
24 of emissions at various temperatures? What is depicted

1 in that graph?

2 A. What you see there is that the highest
3 temperature is the melt temperature of 600 degrees going
4 down to 300 degrees, the decrease in the amount of
5 emissions that are coming off, and what you would assume
6 from this is that as you get lower than 300 degrees that
7 you're essentially down to almost zero, so even at lower
8 temperatures, cooling temperatures, you would expect
9 virtually no emissions.

10 Q. Okay. And then turning to the -- excuse me.
11 So is it fair to say that at ambient temperatures even on
12 a relatively hot day in the midwest that the emissions
13 for -- from any of these materials, such as the resin and
14 the regrind and the plastics and such, that the types of
15 VOM emissions that we would be seeing from those products
16 would be low?

17 A. Assuming that your temperatures in the
18 midwest don't get higher than 300 degrees Fahrenheit,
19 yes.

20 Q. And then looking -- the other place, of
21 course, in this process where there is some heat involved
22 is in the dryer itself, and looking at the table that was
23 provided in the prefiled testimony on behalf of CICI,
24 which was filed on July 15 and which we've now admitted

1 into evidence, I believe, as Exhibit 6 here --

2 HEARING OFFICER KNITTLE: Correct.

3 Q. -- one of the attachments to that prefiled
4 testimony is an excerpt from the "Modern Plastics
5 Handbook" by Charles -- editor in chief Charles Harper.
6 Showing you on page 2 of what was provided, it's labeled
7 as table 5.1, "Suggested Drying Conditions For Generic
8 Resins." Could you help us take a look at this and show
9 us where the temperatures -- typical temperatures for
10 drying are that are shown there?

11 A. The next to last table where it says T
12 drying degrees centigrade, it has a whole list of drying
13 temperatures for different types of resins. What you see
14 there is the temperatures are -- if you convert that to
15 degrees Fahrenheit, about double, it would still be less
16 than the 300 degrees that was shown on the chart.

17 Q. Okay. So would you anticipate that the
18 emissions from the -- coming from the dryer would be a
19 very small fraction of the emissions you were seeing at
20 the die head in those SPI studies?

21 A. Yes, I would.

22 Q. And the temperatures in the mold chamber
23 itself, we don't have any documentation on that in your
24 materials, I don't believe, but are those temperatures in

1 fact quite a bit lower --

2 A. Yes.

3 Q. -- in the mold chamber?

4 A. Much lower in the mold chambers.

5 Q. Do you have any idea what those temperatures
6 would be in a range, just a general approximate range?

7 A. As I mentioned earlier, some of them are
8 water cooled, so you would expect them to be probably --
9 I couldn't give you an exact number, but it would be much
10 lower than what the melt temperature of the extrudate
11 would be when it's coming out.

12 MS. SHARKEY: Okay. That's all the
13 questions that we have. Do you have any other questions
14 of Mr. Harris?

15 HEARING OFFICER KNITTLE: Nope, nothing --

16 BOARD MEMBER MELAS: No more.

17 HEARING OFFICER KNITTLE: -- further. Thank
18 you very much, Mr. Harris, Miss Sharkey. Mr. Matoesian,
19 I believe you have the testimony of Don Sutton you would
20 like to present?

21 MR. MATOESIAN: Yes. Thank you, Mr. Hearing
22 Officer. Charles Matoesian appearing for the Illinois
23 Environmental Protection Agency. I'll just state that
24 with me today I have Mr. Don Sutton, manager of the

1 permit section, the Bureau of Air; Mr. Bob Bernoteit,
2 who's manager of the state permit and FESOP units in the
3 Bureau of Air; Annet Godiksen, another attorney, from the
4 Bureau of Air; and Mr. David Bloomberg, who's the manager
5 of the compliance unit in the Bureau of Air. Mr. Sutton
6 will be presenting the testimony today and the other
7 agency staff are available to answer any questions you
8 may have.

9 Mr. Sutton will -- We prefiled testimony from
10 Mr. Sutton, which he will now go over. I would also like
11 to say we appreciate CICI's effort -- continuing efforts
12 to modify its definition of their exemption so as to both
13 tighten it and to find the scope of the exemption, and
14 therefore, we believe that this exemption as modified
15 going forward should be a reasonable, acceptable addition
16 to the list of exemptions found at 35 Illinois
17 Administrative Code, Section 201.146. And with that, I
18 will turn it over to Mr. Sutton.

19 HEARING OFFICER KNITTLE: Before I start,
20 you did note that you had a correction you wanted to make
21 on the testimony?

22 MR. MATOESIAN: I'm sorry. Correct.

23 HEARING OFFICER KNITTLE: You wanted to have
24 a correction made on his prefiled testimony, you said,

1 and did you still intend to offer that as of --

2 MR. MATOESIAN: Yes, after he states that.

3 HEARING OFFICER KNITTLE: Okay. Can we
4 swear him in, then, please, Karen?

5 (Witness sworn.)

6 MR. SUTTON: Yes, I would prefer just
7 entering this and not actually reading it. I don't read
8 as well as Lisa does. So the only correction I would
9 like to make is in -- basically in the opening line. I'm
10 not the manager of the manager. I'm just the manager, so
11 if you would delete one of the managers, that'll be fine.
12 Other than that, I would like to enter the testimony as
13 prefilled.

14 MR. MATOESIAN: Could you give me a second?

15 HEARING OFFICER KNITTLE: Sure.

16 (Off the record.)

17 HEARING OFFICER KNITTLE: Mr. Matoesian,
18 you're offering that as read?

19 MR. MATOESIAN: Yeah, with the correction.

20 HEARING OFFICER KNITTLE: That will be the
21 Agency Exhibit 1.

22 MR. MATOESIAN: Exhibit 1, along with the --
23 our correction to the transcript of the July 1, 2005,
24 hearing.

1 HEARING OFFICER KNITTLE: Oh, that's
2 correct.

3 MR. MATOESIAN: Which we prefiled as well.

4 HEARING OFFICER KNITTLE: Right. Let's take
5 those separately and we can make that Agency 2, but
6 first, as to the prefiled testimony with the correction
7 noted by Mr. Sutton, Miss Sharkey, do you have any
8 objection to that?

9 MS. SHARKEY: No. I just -- I do wonder if
10 there's an extra copy, though, of Mr. Sutton's testimony
11 here today.

12 MR. MATOESIAN: I can --

13 HEARING OFFICER KNITTLE: You can have mine.

14 MS. SHARKEY: I apologize. I did print it
15 out yesterday but seem to have left it in Chicago.

16 HEARING OFFICER KNITTLE: I have one.

17 MR. MATOESIAN: I only brought one copy with
18 me.

19 MR. SUTTON: Here's one.

20 HEARING OFFICER KNITTLE: Yeah, you can have
21 mine.

22 MS. SHARKEY: I will return it to you.

23 HEARING OFFICER KNITTLE: No, that's fine.
24 It's a faxed copy.

1 BOARD MEMBER MELAS: It's okay, Miss
2 Sharkey.

3 HEARING OFFICER KNITTLE: So do you want to
4 take a moment to look that over before we --

5 MS. SHARKEY: No. I did -- Thank you very
6 much. I did read it. I just wanted -- if we're going to
7 be talking about it wanted to have a copy in front of me.
8 Thank you.

9 HEARING OFFICER KNITTLE: So no objection to
10 the admission of that as Exhibit 1?

11 MS. SHARKEY: No objection. Thank you.

12 HEARING OFFICER KNITTLE: That's admitted.
13 And you wanted to also admit --

14 MR. MATOESIAN: A correction to the
15 transcript.

16 HEARING OFFICER KNITTLE: -- corrections,
17 which has been docketed as a public comment, but it's in
18 essence the IEPA's first correction of the transcript of
19 the hearing held on July 1.

20 MR. MATOESIAN: Yes.

21 HEARING OFFICER KNITTLE: Any objection to
22 that, Miss Sharkey?

23 MS. SHARKEY: No objection.

24 HEARING OFFICER KNITTLE: We'll admit that

1 as Exhibit -- Agency Exhibit No. 2. Anybody have any
2 questions of Mr. Sutton? I see none.

3 MS. SHARKEY: The only comment we would like
4 to make is that we note that at the end of Mr. Sutton's
5 testimony he indicates that there -- he does not
6 agree that the -- that the Agency does not agree that
7 this process qualifies for the extrusion exemption, and I
8 simply wanted to reiterate CICI's position that we
9 recognize there's a difference of opinion and that is
10 really not -- it's the subject for another proceeding in
11 front of the Board, and that this proceeding is an
12 agreement to make -- to create -- to not create but to
13 devise a very clear exemption so that there isn't any
14 ambiguity in the future going forward with how -- with
15 whether or not these particular pieces of equipment are
16 exempt, but we just want to make it clear there is a
17 difference of opinion, but not one that we believe needs
18 to be resolved in this proceeding.

19 HEARING OFFICER KNITTLE: Okay. That being
20 said, let's go off the record for just one minute. No,
21 we're still on the record.

22 BOARD MEMBER MELAS: Mr. Sutton, I see that
23 in this testimony you've already referred to the concern
24 that I had. It's -- You answer that on the second page,

1 I believe, on your economic reasonableness and technical
2 feasibility, third page, in your second paragraph there,
3 that you would have -- it's about the cumulative effect
4 of exempting a large number of sources of pollution even
5 though each individual piece of equipment and each
6 individual facility is really emitting a minimal amount
7 of VOM, and you address that in this, and maybe you can
8 expand on that a little bit, because that is really the
9 major question in my own mind.

10 MR. SUTTON: Well, there's basically I would
11 say two parts to the answer to that question. One, these
12 are state regulations, and we cannot supersede or replace
13 federal regulation, and federal regulations are triggered
14 on a source's potential to emit whatever comes from that
15 particular source, whether it's permitted by us or not,
16 so if in fact there's enough emission units at that
17 source, however small, and they add up quantitatively to
18 something that would trigger a federal requirement, they
19 are by law required to get a federal permit, so we're not
20 doing anything to delude that or take that obligation
21 away.

22 Having said that, we also understand there are
23 emission sources out there that are so small from a state
24 enforcement standpoint, it doesn't make sense to go after

1 them and regulate them, especially in light of there's
2 not any underlying regulation. Primarily what you end up
3 with is a permit in name only, so you're basically giving
4 a license to operate without bringing about any
5 particular regulatory overview other than reporting
6 annual emissions and paying me a fee. So to that end we
7 agree that there is a point in time where it does not
8 make sense to pursue small sources, keeping in mind it
9 does not shield them from federal regulatory oversight.

10 BOARD MEMBER MELAS: Okay. Thank you.

11 MS. SHARKEY: Mr. Melas, if I might just
12 elaborate on that point of the overall emissions, because
13 I know you expressed concern on that at the last hearing
14 as well. In the CICI's prefiled testimony, what we did
15 was try to provide you with an overview from the
16 perspective of an average facility, what we believe is
17 the average. We actually think it's quite a conservative
18 number, because there's a number of conservative
19 assumptions built into that, but it comes out with
20 something on the order of 100 tons of emissions
21 state-wide from all of these 500 facilities, so you're
22 talking about a -- an impact that I think when you
23 consider the number of facilities that have to go through
24 permitting of being very small.

1 Recognizing that, you know, an exemption's out
2 there and you never know how things can change, we
3 reached an agreement with Illinois EPA and in part in
4 response to your concerns to limit the -- to put a limit
5 on it, and thus we have that 5,000 tons of resin limit
6 that actually ends up giving us -- it's going
7 to remain -- no matter how big any of these units might
8 get, with some very outrageous assumptions, you still
9 would be under 1,000 tons state-wide from 500 emission
10 sources out there averaging 2 tons per source, so very --
11 the whole facility, meaning whole facility, far below the
12 de minimus cutoff level that the Board is considering in
13 the 05-19 proceeding where that 0.44 tons would apply to
14 any individual piece of equipment. So we hope we've
15 addressed any concern that this is somehow creating a
16 very large exemption for a large amount of emissions in
17 the state.

18 HEARING OFFICER KNITTLE: Thank you.

19 BOARD MEMBER JOHNSON: And your -- in your
20 prefiled testimony, your estimate was that the total
21 state-wide was 100 tons per year, and that is the
22 reasonable worst case, that estimate, as you phrased it
23 in that.

24 MS. SHARKEY: Yes.

1 BOARD MEMBER JOHNSON: And you agree with
2 that, Mr. Sutton?

3 MR. SUTTON: Yes, I do.

4 BOARD MEMBER JOHNSON: And it's also true
5 there are single facilities located in this state that
6 produce a volume of VOM emissions in excess of 100 tons
7 by themselves.

8 MR. SUTTON: Yes, that's true.

9 BOARD MEMBER MELAS: Okay.

10 HEARING OFFICER KNITTLE: Nothing further.
11 Let's go off the record, please.

12 (Off the record.)

13 HEARING OFFICER KNITTLE: We are back on the
14 record. Mr. Melas has a question.

15 BOARD MEMBER MELAS: Miss Frede, is Corn
16 Products International a member of your association?

17 MS. FREDE: Yes.

18 BOARD MEMBER MELAS: Okay. This may be
19 superfluous, but in the interest of full disclosure, I
20 think I ought to at least mention it. In my previous
21 life, about 50 some years ago when I worked for the
22 University of Chicago, I did some consulting work,
23 management training, for Corn Products and thought I
24 would just mention it. Not that it's significant enough,

1 but just -- might be a little overkill, but I thought I
2 at least had to mention it for the record.

3 HEARING OFFICER KNITTLE: Full disclosure is
4 always important.

5 BOARD MEMBER MELAS: Full disclosure.

6 MS. SHARKEY: Could I ask a follow-up
7 question? Mr. Melas, are you aware of -- do you know
8 whether they have any plastic injection molding
9 processes?

10 BOARD MEMBER MELAS: I never saw any in my
11 experience with the company, and I visited a number of
12 their plants.

13 MS. SHARKEY: Miss Frede, do you know if
14 they have any?

15 BOARD MEMBER MELAS: Probably not.

16 MS. FREDE: I don't believe they do.

17 MS. SHARKEY: You don't believe they do?

18 MS. FREDE: I do not believe they do.

19 MS. SHARKEY: Okay. Thank you.

20 HEARING OFFICER KNITTLE: I also want to
21 note that I do not see any members of the public present
22 here today. If they were here, they of course would be
23 able to ask questions and provide a statement if they so
24 chose.

1 We have discussed off the record, and the Board
2 will accept public comments on this proposal until August
3 8. Of course after we adopt these rules for first notice
4 there's going to be an additional 45 days for public
5 comment.

6 Today's hearing concludes the hearings scheduled
7 by the Board in this matter, but any party may request an
8 additional hearing pursuant to Section 102.412(b) of the
9 Board's procedure rules. We expect to have today's
10 transcript ready by July 22, and soon thereafter we will
11 post it on our Web site, which is www.ipcb.state.il.us.
12 Transcripts as well as the Agency's proposal, all board
13 orders throughout this proceeding will be viewable and
14 downloadable on the Board's Web site. Alternatively, you
15 can order a copy of the transcript from the clerk of the
16 board at 75 cents per page.

17 Anybody can file a public comment to this
18 proceeding with the clerk of the board, but please note
19 that when filing a public comment you must serve all the
20 people on the service list with a copy of the public
21 comment, and we of course would be willing to provide
22 copies of the current service and notice list if
23 necessary. If there's nothing further, I wish to thank
24 all of you for your comments today.

1 MR. MATOESIAN: Just one thing.

2 HEARING OFFICER KNITTLE: Yes, Mr.

3 Matoesian?

4 MR. MATOESIAN: I believe you said it was
5 the Agency's proposal?

6 HEARING OFFICER KNITTLE: Did I really?

7 MR. MATOESIAN: Yeah, and it's not actually
8 the Agency's proposal.

9 HEARING OFFICER KNITTLE: It is not. It is
10 CICI's proposal. Thank you for that correction. And if
11 there's nothing further, thank you all, and this hearing
12 is adjourned.

13 (Off the record.)

14 HEARING OFFICER KNITTLE: I have just one
15 further clarification. I stated that anybody can file a
16 public comment, and they can, but when filing a public
17 comment, they have to serve all the people on the service
18 list with the public comment. That is not true. We will
19 of course accept public comment from members of the
20 public and they do not have to serve, but they will be
21 available on the Board's Web site for viewing. Thanks
22 again.

23 (Hearing adjourned.)

24

1 STATE OF ILLINOIS)
) SS
2 COUNTY OF ST. CLAIR)

3

4 I, KAREN WAUGH, a Notary Public and Certified
5 Shorthand Reporter in and for the County of St. Clair,
6 State of Illinois, DO HEREBY CERTIFY that I was present
7 at the Illinois Pollution Control Board, Springfield,
8 Illinois, on July 15, 2005, and did record the aforesaid
9 Hearing; that same was taken down in shorthand by me and
10 afterwards transcribed, and that the above and foregoing
11 is a true and correct transcript of said Hearing.

12 IN WITNESS WHEREOF I have hereunto set my hand
13 and affixed my Notarial Seal this 19th day of July, 2005.

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Notary Public--CSR

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#084-003688

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