

On January 5, 1996, a public hearing was held before Hearing Officer June Edvenson at the Board's Chicago office located at the James R. Thompson Center in Chicago, Illinois. John Justice appeared *pro se* and presented his case-in-chief; Robb Layman presented the Agency's case-in-chief. John Justice testified on his own behalf; Ray Pilapil, an environmental engineer for the Agency, testified on behalf of the respondent. At hearing, the hearing officer admitted various exhibits offered by petitioner including six photographs of the equipment at the Microcosm site (See Pet. Exh. 1-6).¹ Petitioner's Exhibit 7 (Pet. Exh. 7) included a stapled photocopy of Microcosm's manufacturing plant layout with additions labeled G, an in-line centrifugal fan, and labeled H, the duct work, as photographed in Petitioner's Exhibit 6 (Pet. Exh. 6). The hearing officer also admitted two exhibits offered by respondent. Respondent's Exhibit 1 (Resp. Exh. 1) is a copy of petitioner's permit application including three new pages, pages 2, 4, and 8, which were previously omitted in error from the record filed with the Clerk of the Pollution Control Board. Respondent's Exhibit 2 (Resp. Ex. 2) is a copy of the Board's Subtitle B regulations pertaining to Procedure T: Criteria for and Verification of a Permanent or Temporary Total Enclosure.

As stated in more detail below, Mr. Justice applied for a permit on October 4, 1994 after agreeing to several conditions in a consent order entered between Mr. Justice, the Illinois Attorney General and the Agency on August 26, 1994. (Rec. at 21-32.) The Agency issued a notice of incompleteness to Mr. Justice on October 18, 1994 (Rec. at 11) requesting supplementary information to the permit application. In response, on December 1, 1994, Mr. Justice submitted further information (Rec. 13-20) which was subsequently reviewed by the Agency. As a result, the Agency denied Mr. Justice's permit application on February 21, 1995.

For reasons more fully explained in the opinion below, the Board hereby affirms the Agency's denial of petitioner's application for an air permit and denies all relief requested by the petitioner.

BACKGROUND

Microcosm is an adhesives manufacturing and paper coating or laminating facility located in Cicero, Cook County, Illinois. Mr. Justice is the present operator of Microcosm and has operated Microcosm since at least 1976. (Rec. at 22.)² Mr. Justice has been in the

¹ Petitioner's Exhibits 1-6 include the following: Exhibit 1 (Exh. 1) is a photograph entitled "turbine generator"; Exhibit 2 (Exh. 2) is a photograph entitled "beta plate"; Exhibit 3 (Exh. 3) is a photograph entitled "switch gear panel"; Exhibit 4 (Exh. 4) is a photograph entitled "enclosure under roof"; Exhibit 5 (Exh. 5) is a photograph entitled "exhaust and enclosure"; Exhibit 6 (Exh. 6) is a photograph entitled "muffler and air fuel intake."

² The Agency's Administrative Record filed on June 27, 1995 will hereinafter be cited to as (Rec. at ____). The record of the transcript at the hearing held on January 5, 1996 will

business of adhesive coating and laminating for a number of industrial companies since 1964. (Tr. at 24.) Microcosm is a small business which primarily uses outside supplied adhesives, some of which are supplied by customers, and then applied to paper, film, foil or cloth products. (Tr. at 22; Pet. Br. at 1.) The facility has two coating lines which apply coatings onto a film or paper, dries the applications in an oven and then laminates onto another material. The coating is applied by a mechanical applicator and a laminator pulls the raw material through the applicator and the drying oven. (Tr. at 31-32.) At the hearing, Mr. Justice stated that the coating applicator and the drying oven abut each other to seal the space between the coating head and oven in order to eliminate vapor escape. (Tr. at 35.)

On August 26, 1994 Mr. Justice, the Attorney General, and the Agency entered into a final consent order in an enforcement case styled People of the State of Illinois ex.rel. Roland W. Burris, Attorney General of the State of Illinois, v. John C. Justice, d/b/a Microcosm, No. 93 Ch 4290, Circuit Court of Cook County. (Rec. at 21-32.) The complaint in this enforcement case alleged various violations of the Act including Section 9(a) and (b) and 35 Ill. Adm. Code 201.144, 215.204(c) and 218.211(c) of the Board's air pollution regulations. (Ag. Br. at 3-4.) The terms of the consent order included Mr. Justice's agreement to submit permits for the air emission sources at the Microcosm facility and to implement certain compliance measures at the Microcosm facility.³

In response to the consent order requirements, Mr. Justice submitted an operating permit application to the Agency for two drying ovens on October 4, 1994. (Ag. Br. at 1; Resp. Exh. 1 at 1-13.) Petitioner included a compliance plan explaining his intentions to utilize a cogeneration process to control the Volatile Organic Compounds (VOC) in the coating operations (Ag. Br. at 2; Resp. Exh. 1 at 13.) In the compliance plan, Mr. Justice indicated that a capture and control system would be used as the method of compliance as required by

hereinafter be cited to as (Tr. at ____). Petitioner's Post-Hearing Comments will hereinafter be cited to as (Pet. Br. at ____). The Agency's Post-Hearing Comments will hereinafter be cited to as (Ag. Br. at ____). The 1994 Consent Order will hereinafter be cited to as (Consent Order at ____).

³ This agreement required, among other things: (1) petitioner's submittal of a complete and proper operating permit application for all emission sources and air pollution control equipment at the facility as specified in 35 Ill. Adm. Code 201.157; (2) a compliance plan, subject to state approval, setting forth the facility's chosen method of compliance as required under 35 Ill. Adm. Code Part 218; (3) submittal to the Agency, within 30 days, a complete and proper construction permit application for the installation of any emission control equipment that is a part of the compliance plan; (4) submittal to the Agency of an operating permit application for any approved control equipment within a time specified by the construction permit; (5) cessation of the operation of all emission sources if the necessary construction or operating permit is not obtained within 120 days of the date of submittal of the permit application. (Ag. Br. at 3-4; Rec. at 26-27, citing Consent Order at 6-7.)

35 Ill. Adm. Code 218.207 since his operation did not utilize compliant coatings. Mr. Justice further stated his belief that the cogenerator was not regulated under the Board's rules and regulations.

At hearing before the Board, Mr. Justice testified that he believed the steps taken at the facility to rectify the problems are adequate. Mr. Justice argues that the capture and control system consists of permanent total enclosures, which surrounds all possible emission sources, and any Volatile Organic Material (VOM) emissions are ducted to centrifugal fans which then supplies the VOM as fuel to an internal combustion engine having less than 1500 horsepower. (Pet. Br. at 2.) Mr. Justice further states that the fans pull warm air through the oven in the direction opposite to the movement of coated material; therefore, the solvent latent air is pulled in by the fan which collects and moves it to the turbine which burns the VOM. (Tr. at 33-34.) Mr. Justice also argues that the emission capture system captures all emissions from the coating applicator at the beginning of the process. (*Id.*) Mr. Justice admitted that no testing in accordance with Board regulations was done to evaluate the efficiency of the VOM capture and control system. (Tr. at 37-39.) However, Mr. Justice contends that pursuant to 35 Ill. Adm. Code 210.146(i), no permit is needed for the operation of the internal combustion engine, which is the control device.

The Agency's sole witness, Mr. Pilapil, testified on the inadequacy of the petitioner's permit application for the Microcosm site.⁴ Mr. Pilapil testified that the permit application did not contain enough information to determine compliance with Part 218 (35 Ill. Adm. Code Part 218). (Tr. at 64.) Mr. Pilapil further testified, "there wasn't detailed information on the materials used in the coating plant. There was lack of information on the VOC contents of the materials used . . . the application did not include any information on the capture system or any detailed information on the control device." (Tr. at 64-65.) Mr. Pilapil stated that missing information, such as the emissions prior to going into the capture system and control device, was necessary for him to establish permit limitations and to determine uncontrolled emissions. (Tr. at 69.) Overall, Mr. Pilapil stated the information submitted on the application was not sufficiently complete in order for him to determine compliance.

On October 18, 1994, the Agency issued a notice of incompleteness to Mr. Justice explaining that the permit application failed to contain information as required by 35 Ill. Adm. Code 201.157. (Ag. Br. at 2, Rec. at 11-12.)⁵ Mr. Justice responded to the notice of

⁴ Mr. Pilapil is responsible for reviewing air pollution permit applications at the Agency. Specifically, he reviews the applications to insure that each applicant's emissions and air pollution control equipment is in compliance with all state and federal regulations. He is assigned to oversee the permit applications relating to volatile organic material emissions in the Chicago area such as coating plants and printing plants. (Tr. at 58.)

⁵ The notice of incompleteness listed information missing from the permit application including, but not limited to, the following: (1) the name and identification number of each coating as applied on each laminating line; (2) the weight of VOM (Volatile Organic Material)

incompleteness on December 1, 1994 and submitted various information, answers, and diagrams in an attempt to supplement the incomplete permit application previously submitted on October 4, 1994. Mr. Pilapil testified about Mr. Justice's supplementary information during the Agency's case-in-chief stating, "the application gave complete information in terms of material usage for the cleanup solvent, for the coatings used, but it indicated that there was some other VOM containing material (sic) used without indicating what those other VOM containing materials (sic) were." (Tr. at 66-67.) Mr. Pilapil continued his testimony stating that the information submitted by Mr. Justice was very vague and incomplete. Regarding information on uncontrolled emissions, Mr. Pilapil stated that Mr. Justice either did not respond to the question or he misunderstood the question concerning the uncontrolled emissions which requested VOM emissions based on material usage and VOC content prior to going into the control equipment and capture system. (Tr. at 67.) Further, Mr. Pilapil stated that the information submitted by Mr. Justice did not contain any "clear-cut estimation of capture efficiency and control device efficiency . . . in order to determine compliance with the Board regulations." (Tr. at 70-71.) Mr. Justice also submitted a list of VOM indicating the VOM content for coatings in response to the first three questions in the letter of incompleteness and he testified that all of the coatings used at the Microcosm facility contained VOM in excess of 2.9 pounds per gallon which is the maximum amount of VOM for coatings allowed under 35 Ill. Adm. Code 218.204. (Tr. at 29.)

Regarding the process flow diagram submitted by Mr. Justice in response to the notice of incompleteness, Mr. Pilapil testified that he needed further information in order to allow the issuance of the air permit. Mr. Justice made reference to a 90 percent efficiency rate of the capture system and control device which indicated to Mr. Pilapil some type of overall reduction efficiency; however, for a proper permit issuance, Mr. Pilapil testified he needed information which indicated a capture efficiency and the control device efficiency in order to determine compliance with Board regulations. (Tr. at 70-71.) Pilapil stated: "[t]his process flow diagram is very incomplete. It clearly does not show any hooding in terms of the capture system. It doesn't show any dimensions for the hoods. There is no indication of any length of duct work or fan flow rate. There's no indication of any flow rates. The process flow diagram should clearly show all the material usage going in." (Tr. at 71-72.)

Additionally, Mr. Pilapil stated that he could not ascertain whether the emissions from the laminators' emissions or the VOM emissions at the facility were being captured from the capture system. (Tr. at 72.) Mr. Pilapil also testified that the roll coaters, which is the actual applicator where both the coatings and cleanup solvents are applied, as testified to and first

per volume of each coating; (3) the VOM content of each coating as applied on each laminating line; (4) the uncontrolled VOM emissions from all VOM containing materials used on the laminating lines with detailed supportive calculations; (5) a process flow diagram depicting the laminators, dryers and the cogeneration process; (6) controlled VOM emissions from all VOM containing materials used on the laminating lines with detailed supportive calculations including an estimation of capture efficiency, a capture system and justification for the control device efficiency. (See Notice of Incompleteness, October 4, 1994, Rec. at 11-12.)

mentioned by Mr. Justice at the hearing, were not indicated on the process flow diagram. (Tr. at 73.) Regarding the cogenerator, Mr. Pilapil testified that, after six years of working on coating permits, he had never seen any company use a cogenerator for control of a coating line. (Tr. at 74.) Because Pilapil concluded the cogenerator was not a typical method for coating plants, he needed more information about the cogenerator to insure compliance with Board regulations. (Tr. at 75.)

Overall, the Agency denied Mr. Justice's permit application due to lack of sufficient information. Mr. Pilapil was asked what type of specific information was necessary to allow for thorough review of Mr. Justice's permit application. (Tr. at 78-79.) He stated that the Agency needs detailed information on the capture system which shows the type of hooding, physical dimensions of the hoods, ducting, actual flow rates of the fan and flow rates of the cogenerator. Additionally, Mr. Pilapil testified that the Agency needed clarification of the methods in which petitioner's VOM is used. (Tr. at 79.) The Agency required further detailed information on the controlled device and the efficiency of the controlled device. Finally, the Agency requested an embellished procession of the flow diagram which clearly shows the hoods and any duct work, roll coaters going into the oven, and roll coaters going into the laminators. (Id.)

The Agency issued a permit denial letter on February 21, 1995. The letter stated that the compliance plan did not satisfy the Board's compliance plan requirements as set forth in 35 Ill. Adm. Code 201.241 and 201.243. As potential violations, the letter also referenced Section 9 of the Act and the Board's compliance plan regulations. (Ag. Br. at 3; Rec. at 34.) The Agency's assigned counsel, Robb Layman, also issued a letter to Mr. Justice on February 21, 1995 providing additional comments regarding the facility's compliance obligations under the consent order. (Ag. Br. at 3, citing Consent Order at 1-12; Rec. at 35.) This letter addressed deficiencies in Mr. Justice's compliance plan and further addressed materials needed to cure the deficiencies. The Agency attorney also informed Mr. Justice that the cogenerator required an Agency permit consistent with the consent order and Board regulations. (Id.) As a result of the Agency's denial, Mr. Justice filed a petition for hearing with the Board.

ARGUMENT

Mr. Justice argues that the Microcosm facility emits no pollution which requires a permit. He states that his facility includes an excellent system to control any pollution if any pollution is emitted at all. (Pet. Br. at 8.) Mr. Justice argues that his coating lines are enclosed within permanent total enclosure which capture the VOM emissions. The petitioner further claims that because his internal combustion engine is exempt from any regulations, he cannot be required to seek any permit from the Agency. Mr. Justice claims he applied for the permit "following the Agency's wishes," but he further states that he is not required to do so. (Id.)

Citing various cases pertaining to police powers, Mr. Justice argues that the state police powers do not require that he obtain a permit. Mr. Justice states, “[t]he police power is certainly exceeded when the Act and the regulations are sought to be applied to a business which is not polluting the air.” (Pet. Br. at 9.) Mr. Justice contends that the coating lines of his facility meet the requisite standards and cause no pollution. (Id.) He further states that “because the Agency itself declares that petitioner causes no pollution, he cannot see how he can be required to obtain any permit from it.” (Id.) Finally, Mr. Justice argues that he does not have to submit anything to the Agency and requests the Board to make a determination that a permit is unnecessary. (Pet. Br. at 10.)

In response, the Agency argues that Mr. Justice is not entitled to relief from the Agency’s permit denial determination since petitioner failed to meet the requisite burden of proof. The Agency cites various case law stating that the permit applicant bears the burden of demonstrating that no violation of the Act or the regulations would have occurred if the requested permit had been issued. (Ag. Br. at 5-6, citing John Sexton Contractors Company v. IEPA, PCB 88-139 (February 23, 1989). The Agency argues it has no obligation to perform scientific testing or monitoring of an applicant’s facility and further states, citing Wilmer Brockman, Jr. and First Midwest Bank of Joliet v. IEPA, PCB 93-162 (February 3, 1994), that the “primary focus” must always remain on the adequacy of the applicant’s permit application and other information submitted to the Agency. (Ag. Br. at 6.)

The Agency believes that Mr. Justice has not presented evidence that the Microcosm facility is in compliance or will come into compliance with the applicable Part 218 regulations. The Agency contends that this case is devoid of proper factual support for the threshold issue of whether the administrative record demonstrates that the issuance of a permit will not cause a violation of the Act and Board regulations. (Ag. Br. at 8.) Further, the Agency states that the information submitted with the permit application neither addresses the cogenerator control efficiency nor the destruction efficiency of the cogenerator. (Id.) Because no actual testing of capture efficiency or destruction efficiency of the cogenerator was ever technically performed, the Agency argues that petitioner’s contentions as to capture efficiency cannot be considered. (Ag. Br. at 9.) The Agency continues to argue that petitioner failed to demonstrate appropriate facts as to the quantity of VOM emissions, coating materials or existence of the roll coaters. (Ag. Br. at 10.) The Agency ultimately states that petitioner has presented scant evidence as to the cogeneration process and its effectiveness in controlling VOC emissions from the coating operations.

Regarding petitioner’s argument he is exempt from the Act or Board regulations, the Agency states that a permit exemption status would not eliminate petitioner’s burden of proof to demonstrate compliance with other substantive provisions of the Act or Board regulations. (Ag. Br. at 11-12.) The Agency argues that it sufficiently advised petitioner as to deficiencies of the permit application as is required by Part 201. (Ag. Br. at 14.) Overall, the Agency contends that the permitting process and the independent requirements of the consent order required the petitioner to properly demonstrate that the cogenerator would not cause violations under the Act or Board regulations. (Ag. Br. at 16.) For all the above reasons, the Agency

asks the Board to affirm the denial of Mr. Justice's permit application and deny any request for relief.

RELEVANT LAW

The Act establishes a system of checks and balances integral to the Illinois system of environmental governance. Concerning the permitting function, it is the Agency who has the principal administrative role under the law. Specifically, the Agency has the duty to establish and administer a permit process as required by the Act and regulations, and the Agency has the authority to require permit applicants to submit plans and specifications and reports regarding actual or potential violations of the Act, regulations or permits. (Landfill, Inc. v. IPCB, (1978) 74 Ill. 2d 541; 25 Ill. Dec. 602, 607 citing, 415 ILCS 5/4.) Further, the Agency has the authority to perform technical, licensing and enforcement functions. It has the duty to collect and disseminate information, acquire technical data, and conduct experiments. It has the authority to cause inspections of actual or potential pollution sources and the duty to investigate violations of the Act, regulations, and permits. (Id. at 606.)

Regarding permits, the Act provides that it "shall be the duty of the Agency to issue such a permit upon proof by the applicant that the facility . . . will not cause a violation of this Act or of regulations hereunder. " When the Agency makes a decision to deny a permit, the Act provides that it must transmit to the applicant a detailed statement as to the reasons for the denial. The statement shall include, at a minimum, the sections of the Act or regulations which may be violated if the permit were granted; the specific type of information, if any, which the Agency deems the applicant did not provide the Agency; and a statement of specific reasons why the Act and the regulations would be violated if the permit were granted. (415 ILCS 5/39 (a)(1)-(4).) Finally, the Act charges that the Agency "shall adopt such procedures as are necessary to carry out its duties under this [the permitting] section. " (415 ILCS 5/39 (a).)

After the Agency's final decision on the permit is made, the permit applicant may appeal that decision to the Board. (415 ILCS 5/40(a)(1).) The Board then holds a hearing at which the public may appear and offer comment. The question before the Board in a permit appeal is whether the applicant has met its burden of proving that issuance of the permit would not violate the Act. It is well-settled that our review in all permit appeals, except NPDES permits, is not *de novo* but is limited to information submitted to the Agency during the Agency's statutory review period, and not on information developed by the permit applicant or the Agency after the Agency's decision. (See Alton Packaging Corporation v. IPCB , (5th Dist. 1987) 162 Ill. App. 3d. 731; 516 N.E.2d 275, 280.) However, it is the hearing before the Board that provides a mechanism to the petitioner to prove that the application would not violate the Act. Further, the hearing affords the petitioner with the opportunity "to challenge the reasons given by the Agency for denying such permit by means of cross-examination and the Board the opportunity to receive testimony which would 'test the validity of the information [relied upon by the Agency]'. " (Alton Packaging Corporation v. IPCB (5th Dist. 1989) 162 Ill. App. 3d 731; 114 Ill. Dec. 120, quoting, IEPA v. IPCB , 115 Ill. 2d at 70.)

Under the Act, both the Agency and the Board operate under tight statutory time frames to make a decision. For the Agency, the statutory time to issue a permit decision is 90 days. (415 ILCS 5/39 (a).) For the Board, the statutory-required time period is 120 days. Absent a waiver of the statutory decision deadline, we must hold a hearing, review the evidence and arguments, and make a final decision concerning the Agency's permit decision. (415 ILCS 5/40 (a)(2).)

ANALYSIS AND DECISION

Previous cases before the Board have established that the Agency's denial letter frames the issues in a permit review. (See Centralia Environmental Services, Inc. v. IEPA , PCB 89-170, slip op. at 6 (May 10, 1990).) We must therefore determine whether the stated reasons in the Agency's February 21, 1995 final decision letter to deny Mr. Justice an operating permit are proper. The Agency's reasoning is that the issuance of the operating permit might result in a violation of the Act and that it lacked sufficient information to determine whether the application as submitted would violate the Act or Board regulations. In order to reach a decision based on the propriety of the denial letter, we must consider whether Mr. Justice has satisfied his burden of proving that no violation of the Act or the regulations would occur if the Agency issued the air permit. For the following reasons, we find that Mr. Justice has not met the requisite burden in this case.

Mr. Justice did not submit the requested information to the Agency for the issuance of an air permit for the Microcosm facility. The Agency informed Mr. Justice of his application's deficiencies in a notice of incompleteness on December 1, 1994. The notice of incompleteness was specific as to the supplementary information necessary to complete Mr. Justice's permit application. Mr. Pilapil testified on behalf of the Agency stating that the missing information was necessary to establish, among other things, the permit limitations and fulfillment of the Part 218 requirements. In response to the notice of incompleteness, Mr. Justice promptly tried to cure the deficiencies in his permit application. He supplied the Agency with various answers to several questions; he submitted diagrams to explain the actions at the Microcosm facility. Mr. Pilapil testified as to the extensive amount of information submitted by Mr. Justice with regard to the material usage for cleanup solvent used at the facility; however, he stressed that scant evidence was produced by Mr. Justice with regard to the VOM containing materials, uncontrolled emissions, capture efficiency and control device efficiency. (Tr. at 66-67, 70-71.) Furthermore, as Mr. Justice attested to at hearing, the VOM of the coatings at the Microcosm site exceeded the 2.9 pounds per gallon limitation required by 35 Ill. Adm. Code 218.204. (Tr. at 29-30.)

Part 218 requires that pollution control equipment must result in the reduction of 81 percent of the total uncontrolled VOM emissions from the coating lines. The control device must control 90 percent of the total VOM throughput. Typically, compliance with the pollution control equipment performance standards is demonstrated by mass balance

calculations. In this case, Mr. Justice's plan does not include an estimation of controlled VOM emissions which is necessary for the Agency to establish permit levels and overall efficiency. The compliance plan does not contain any technical justification to support Mr. Justice's assertion of the appropriate efficiency of the cogeneration process. Mr. Justice admitted during the hearing that no testing was done to evaluate the efficiency of the VOM capture and control system as required by the Board regulations. (Tr. at 38-39.) Also, Mr. Justice's contention that the cogenerator is exempt from permitting requirements does not excuse Mr. Justice from filing the requested information to the Agency. Here, Mr. Justice did not provide enough information for the Agency or the Board to find that Mr. Justice's cogeneration system is exempt from the Act or Board regulations. Mr. Justice submitted a flow diagram as part of his supplementary information; however he failed to submit sufficient evidence which would prove the cogeneration process is not a pollution control facility. The Board finds this petitioner failed to demonstrate that the technology at the Microcosm site met the minimum performance standard. The Board further finds that the exemption claimed by Mr. Justice applies to stationary engines less than 1500 horsepower, not pollution control devices for regulated processes.

The process flow diagram submitted by Mr. Justice failed to include information showing an overall reduction efficiency of the capture system and control device. (Tr. at 71-72.) Further, the diagram failed to include any hooding, duct work or fan flow rate, all of which are necessary to ascertain the efficiency of the capture system and control device. The flow diagram was vague and incomplete because it did not detail the entire capture system and control device processes; it failed to include pertinent information such as the precise placing of the roll coaters. Moreover, the Agency did not have any previous knowledge that the facility even contained roll coaters until the hearing. (Tr. at 73.) Mr. Pilapil also testified that he had never before seen any company use a cogenerator for control of a coating line. (Tr. at 78-79.) Due to this fact, Mr. Pilapil did not find that the information submitted by Mr. Justice defectively informed the Agency as to the correct use of a cogenerator for control of a coating line. As such, Mr. Pilapil simply needed further detailed information about the cogenerator and its function at the Microcosm facility. Additionally, the Board notes Mr. Pilapil's lengthy experience with coating permits. As a result of the lack of information submitted by Mr. Justice, the Agency was unable to determine whether or not the Microcosm facility complied with the Act and Board regulations.

CONCLUSION

Accordingly, for all of the aforementioned reasons, we find that the Agency properly denied the air permit for the Microcosm facility. This opinion constitutes the Board's findings of fact and conclusions of law in this matter.

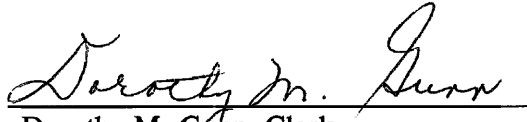
ORDER

The Board hereby affirms the Agency's February 21, 1995 denial of an air operating permit to John C. Justice d/b/a Microcosm. The Board hereby denies petitioner's request for relief.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246 "Motions for Reconsideration.")

I, Dorothy M. Gunn, Clrk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 21st day of March, 1996, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board