

ILLINOIS POLLUTION CONTROL BOARD
January 10, 1991

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL.) R88-14
ADM. CODE 211 AND 215) (Rulemaking)
(PHARMACEUTICALS))

PROPOSED RULE. SECOND NOTICE.

PROPOSED ORDER OF THE BOARD (by J.D. Dumelle)

This matter is before the Board on a Joint Motion filed on May 8, 1990 by Abbott Laboratories ("Abbott") and the Illinois Environmental Protection Agency ("Agency"). The proposal was adopted by the Board for First Notice on May 10, 1990. In the interim, negotiations have continued between the participants in addition to consultation with the USEPA. Both Abbott as well as the Agency have filed comments encouraging the Board to proceed to Second Notice. The Board will do so today.

Procedural History

Abbott first filed this proposed rulemaking in May of 1988 as a result of what the company perceived to be deficiencies in R86-10, the RACT Pharmaceutical Manufacturing Regulations adopted by the Board on April 7, 1988. During the promulgation of R86-10 and up until the present, both the Board and the USEPA has undertaken rulemakings regarding RACT regulations. In R89-16, the Board adopted numerous regulations as part of its State Implementation Plan (SIP). The USEPA has also promulgated RACT regulations under its duty to develop a Federal Implementation Plan (FIP). Due to the fact that many of these regulations overlapped and Abbott felt that some were impossible to "live with", the company sought site specific relief in May of 1988.

After five hearings and four amended proposals, Abbott, the Agency and the USEPA transformed the regulation into one of general applicability which would constitute a SIP revision. Both Abbott and the Agency, however, have indicated that USEPA approval will not be forthcoming until the Board corrects the definition of Volatile Organic Material (VOM) as it appears in R89-16. The participants filed a joint proposal to this effect on November 13, 1990 and the Board has made the appropriate revisions in the Second Notice package.

Board Action

Because Abbott, the Agency and the USEPA have been involved in protracted negotiations which encompass not only this rule, but R89-16, R86-10 and the ramifications which have transpired as

a result of Wisconsin v. Reilly, the Board is more than willing to adopt a rule which represents both an environmental benefit as well as regulatory uniformity between state and federal jurisdictions. It is estimated that the emissions reduction as a result of this joint proposal will be at least 32.3 tons per year in the North Chicago Area.

ORDER

The proposed amendments are hereby adopted for Second Notice and the Clerk is directed to submit the proposal to the Joint Committee on Administrative Rules.

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS FOR
STATIONARY SOURCES

PART 211
DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section
211.101 Incorporations by Reference
211.102 Abbreviations and Units

SUBPART B: DEFINITIONS

Section
211.121 Other Definitions
211.122 Definitions

Appendix A Rule into Section Table
Appendix B Section into Rule Table

AUTHORITY: Implementing Sections 9 and 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111½, pars. 1009, 1010 and 1027).

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987;

amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-14 at 14 Ill. Reg. _____ effective _____.

SUBPART B: DEFINITIONS

Section 211.122 Definitions

"Organic Compound": Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metal carbides or carbonates, and ammonium carbonate.

"Volatile Organic Material" or "Volatile Organic Material Content (VOME)": The emissions of volatile organic material which would result from the exposure of a coating, printing ink, fountain solution, tire spray, dry cleaning waste or other similar material to the air, including any drying or curing, in the absence of any control equipment. VOME is typically expressed as kilogram (kg) VOM/liter (lb VOM/gallon) of coating or coating solids, or kg VOM/kg (lb VOM/lb) of coating material.

Any organic material compound which participates in atmospheric photochemical reactions unless specifically exempted from this definition. For purposes of determining compliance with emission limits, Volatile organic material emissions shall be measured by the reference test methods specified under 40 CFR 60, Appendix A (1986) (no future amendments or editions are included) incorporated by reference in 35 Ill. Adm. Code 215.105. Where such a method also inadvertently measures compounds with negligible photochemical reactivity, an owner or operator may exclude these negligibly reactive compounds.

For purposes of this definition, the following organic compounds have been determined to have negligible photochemical reactivity and are not volatile organic materials:

- Chlorodifluoroethane (HCFC-142b)
- Chlorodifluoromethane (CFC-22)
- Chloropentafluoroethane (CFC-115)
- Dichlorodifluoromethane (CFC-12)
- Dichlorofluoroethane (HCFC-141b)
- Dichlorotetrafluoroethane (CFC-114)
- Dichlorotrifluoroethane (HCFC-123)
- Ethane
- Methane
- Dichloromethane (Methylene chloride)

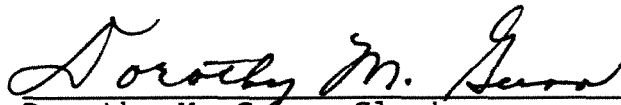
Tetrafluoroethane (HFC-134a)
1,1,1, Trichloroethane (Methyl chloroform)
Trichlorofluoromethane (CFC-11)
Trichlorotrifluoromethane (CFC-113)
Trifluoromethane (FC-23)

"Volatile Organic Material Content" or "VOMC": the emissions of volatile organic material which would result from the exposure of a coating, printing ink, fountain solution, tire spray, dry cleaning waste or other similar material to the air, including any drying or curing, in the absence of any control equipment. VOMC is typically expressed as kilogram (kg) VOM/liter (lb VOM/gallon) of coating or coating solids, or kg VOM/kg (lb VOM/lb) of coating solids, of coating material or material.

(Source: Amended at 14 Ill. Reg. _____, effective _____).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board hereby certify that the above Order was adopted on the 10th day of January, 1991 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board