

ILLINOIS POLLUTION CONTROL BOARD
March 3, 1994

IN THE MATTER OF:)
)
PETITION OF SOLAR CORPORATION)
FOR AN ADJUSTED STANDARD FROM)
35 ILL. ADM. CODE 218 SUBPART PP) AS 94-2
) (Adjusted Standard)

ORDER OF THE BOARD (By C.A. Manning):

On February 14, 1994, Solar Corporation (Solar) filed a petition for adjusted standard regarding its facility, located in Lake County, Illinois. Solar is requesting an adjusted standard from the 35 Ill. Adm. Code 218 Subpart PP as it applies to the emissions of Volatile Organic Materials (VOM) from its facility. The Board received the required notice of publication on February 25, 1994.¹

The Board finds that Solar's petition, as presently before us, does not yet meet the requirements of 35 Ill. Adm. Code 106 and Section 28.1 of the Act (415 ILCS 5/28.1 (1992).) Specifically the petition does not address Section 28.1(c) of the Act which requires a petitioner for an adjusted standard to provide information as to why the requested standard will not result in environmental or health effects substantially and significantly more adverse than the effects considered by the Board in adopting the rule of general applicability.

In addition, 35 Ill. Adm. Code 106.705 requires the petitioner to provide certain information in the petition to the Board. The Board finds that the petition as filed lacks sufficient information concerning the environmental impacts of the adjusted standard as compared to compliance with the general rule of applicability and information concerning alternative control methods.

In particular the petition does not meet the requirements of 35 Ill. Adm. Code 106.705(e) which requires a description of the compliance alternatives with the corresponding costs for each alternative. Solar's petition discusses four alternatives but only provides the corresponding costs for one alternative. Additionally, 35 Ill. Adm. Code 106.705(f) requires a narrative description of the proposed adjusted standard as well as proposed language for a Board order which would impose the standard. Efforts necessary to achieve this proposed standard and the

¹ Section 28.1 of the Environmental Protection Act (Act) requires petitioners to file, within 14 days of the filing the petition for adjusted standard, proof of publication of the notice that petitioner has filed with the Board a petition seeking an adjusted standard. (415 ILCS 5/28.1(1) (1992).)

corresponding costs should also be presented. Solar provides adjusted standard language, but does not address what Solar will do to achieve the adjusted standard.

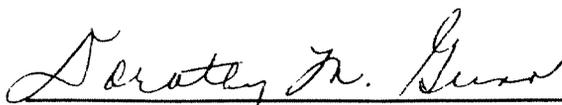
Finally, 35 Ill. Adm. Code 106.705(g) requires the quantitative and qualitative impact of the petitioner's activity on the environment if the petitioner were to comply with the regulation of general applicability as compared to the quantitative and qualitative impact on the environment if the petitioner were to comply only with the proposed adjusted standard. Solar states in its petition that based on historical data that the VOM emissions allowed pursuant to the proposed adjusted standard will have little, if any, adverse environmental impact. Solar does not provide this historical data or any references to such data. Solar is directed to describe the qualitative and quantitative differences in environmental impact between compliance under proposed adjusted standard instead of 35 Ill. Adm. Code 218 Subpart PP in terms of (1) air emissions, (2) general air quality impact (3) Solar's contribution to ozone precursor inventory and VOM inventory in the non-attainment area, (4) solid waste generation (5) energy consumption, and (6) other qualitative impacts. Such description should be supported by the relevant data.

The Board at this time accepts Solar's petition for adjusted standard relief, but directs petitioner to file an amended petition on or before April 15, 1994, addressing the above issues. Failure to file an amended petition by this date will subject this matter to dismissal. Solar has requested a hearing in this matter and upon its filing of an amended petition which provides the further requested information this matter will be set for hearing.

On February 28, 1994, the Agency filed a motion for an extension of time until April 29, 1994, to file its response to the adjusted standard petition. The Agency states that the petitioner does not object to the requested extension of time. The Board denies the Agency's motion as being unnecessary at this time since the Agency need not respond until thirty (30) days after the filing of the amended petition which is the subject of this order.

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 3rd day of March, 1994, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board