

ILLINOIS POLLUTION CONTROL BOARD
October 15, 2009

IN THE MATTER OF:)
)
REASONABLY AVAILABLE CONTROL) R10-08
TECHNOLOGY (RACT) FOR VOLATLE) (Rulemaking - Air)
ORGANIC MATERIAL EMISIONS FROM)
GROUP II CONSUMER & COMMERCIAL)
PRODUCTS: PROPOSED AMENDMENTS)
TO 35 ILL. ADM. CODE 211, 218, and 219)

ORDER OF THE BOARD (by A.S. Moore):

On July 9, 2009, the Illinois Environmental Protection Agency (Agency) filed a proposal under the general rulemaking provisions of Sections 27, 28, and 28.2 of the Environmental Protection Act. *See* 415 ILCS 5/27, 28, 28.2 (2008). Among other materials, a Statement of Reasons (SR) accompanied the proposal.

Generally, the Agency proposes to adopt air pollution regulations to control emissions of volatile organic material (VOM) for Group II Consumer & Commercial Products in ozone nonattainment areas classified as moderate and above. Two Illinois areas, Chicago and St. Louis/Metro East, have been designated as moderate nonattainment areas for the 8-hour ozone standard. The Chicago nonattainment area includes the following jurisdictions: Cook, DuPage, Kane, Lake, McHenry, and Will Counties, Goose Lake and Aux Sable Townships in Grundy County, and Oswego Township in Kendall County. SR at 3, citing 40 C.F.R. 81.314. The St. Louis/Metro East nonattainment includes the following Illinois counties: Jersey, Madison, Monroe, and St. Clair. SR at 3, citing 40 C.F.R. 81.314. Group II products include industrial cleaning solvents, flat wood paneling coatings, flexible packaging printing materials, lithographic printing materials, and letterpress printing materials. SR at 1, 7-9.

On September 14, 2009, the Agency filed a motion to amend its rulemaking proposal (Mot.). The Agency proposes 20 amendments to the proposal, many of them stemming from a request or comment by industry representatives. *E.g.*, Mot. at 4-5 (proposing to amend existing Sections 218.404 and 219.404). The Agency requests that the Board amend Parts 218 and 219 as set forth in its motion. Mot. at 1, 25; *see* 35 Ill. Adm. Code 218, 219.

Section 101.500(d) of the Board's procedural rules provides in pertinent part that, "[w]ithin 14 days after service of a motion, a party may file a response to the motion. If no response is filed, the party will be deemed to have waived objection to the granting of the motion, but the waiver of objection does not bind the Board or the hearing officer in its disposition of the motion." 35 Ill. Adm. Code 101.500(d). The Board has received no response to the Agency's motion to amend. Based on its review of the substance of the Agency's motion, and in the absence of any response it, the Board grants the motion to amend the proposal.

The first hearing in this proceeding will take place as scheduled beginning on Tuesday, October 27, 2009, in Edwardsville.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on October 15, 2009, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board