

1991 opened this and several related dockets². The expressed purpose of opening these dockets as early as October 1991 was to:

- 1) Facilitate notification of the pending rulemakings;
- 2) Solicit views of interested person on the timing of the various rulemaking proceedings; and
- 3) Ensure, to the maximum extent possible, that the rulemakings would be completed in a timely fashion.

Action in several of these dockets has now been completed; several others are currently active, and in several other dockets proposals have yet to be filed with the Board. In the immediate docket the Agency filed its proposal for rulemaking on February 18, 1992.

By order of February 27, 1992, the Board accepted the Agency's proposal for hearing and also accepted the Agency's certification that this rulemaking is federally required pursuant to Section 28.2 of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1991, ch. 111½, par.1028.2), as amended by P.A. 86-1409.

By order of March 11, 1992, the Board sent this proposal to first notice, pursuant to Section 5.01 of the Illinois Administrative Procedure Act. First notice publication occurred at 16 Ill. Reg. 4682 and 4693, March 27, 1992. The Board took no substantive position on the merits of the proposal as part of the first notice adoption order. As the Board noted:

The Board emphasizes that in sending this proposal to first notice, it adopts no substantive position on the merits of the proposal. The Board believes that publishing the proposal at this time will maximize the opportunity for public comment on the proposal. Additionally, the Board has already stated that it places a very high priority on the quick resolution of this rulemaking. Beginning the statutorily-required first notice period at this time will allow for the most expeditious resolution of the proceeding. (In Re: RACT Expansion of Applicability, R91-28 (March 11, 1992, p. 2.))

² Covered in this package are regulations directed to facets of RACT, Stage II vapor recovery, employee trip reduction, SO₂ emissions, and PM-10 control, as found in Board dockets R91-27 through R91-37.

Hearing was held on May 12, 1992 in Oswego, Illinois. The Agency presented testimony on the proposed amendments, and offered itself for questions from the Board and the interested public. A post-hearing comment period extended to May 27, 1992.

Five public comments have been received by the Board. In public comment #1 the United States Environmental Protection Agency (USEPA) acknowledges receipt of the Board's October 24, 1991 order opening this docket. In public comment #2 the Administrative Code Division (Code Division) of the Office of the Secretary of State notes changes necessary to conform the proposed rule sections to Code Division standards (see following). In public comment #3 the City of Chicago urges adoption of the proposed amendments. In public comment #4 the Illinois Department of Commerce and Community Affairs reports its finding of no negative economic impact associated with the proposed amendments. In public comment #5 the Agency makes two short supplements to its hearing comments.

REGULATORY FRAMEWORK and FEDERAL REQUIREMENTS

The basic air regulations which are today proposed to be amended have been adopted by the Board over a number of years with the purpose of providing for clean air within the State. Among the most recent significant actions in this arena was the adoption by the Board on July 25, 1991 of major revisions to Illinois' state implementation plan (SIP) for the control of ozone and ozone precursors. In pertinent part those revisions applied only to stationary VOM sources located in the six Chicago area counties of Cook, Lake, DuPage, Kane, McHenry, and Will. Specifically not included were any portions of the contiguous counties, Grundy and Kendall.

The six-county area conformed with the Chicago ozone nonattainment area, as then designated by the USEPA. Conformity is a necessary element of the SIP, and in turn of the ability of Illinois to retain control of its own CAA program and to avoid federal sanctions.

Now, however, USEPA has modified the Chicago ozone nonattainment area by designating Aux Sable, Goose Lake, and Oswego Townships to also be nonattainment for ozone³. Moreover, pursuant to the CAA Amendments at 42 USC §7511a(d) Illinois is

³ 56 Fed. Reg. 56694, November 6, 1991; codified at 40 CFR §81.314. Under the normal course of affairs, the entirety of Kendall and Grundy Counties would have been designated nonattainment by the USEPA; however, the Agency made appropriate showings and arguments causing the USEPA to limit the added designations to just the three townships. (PC #5 at 2.)

required to submit to USEPA by November 15, 1992 SIP revisions recognizing the modified nonattainment area.

By today's action the Board proposes to introduce this modified ozone nonattainment area into the Board's regulations. This is to be effectuated by amending three sections of the Board's RACT rules at 35 Ill. Adm. Code: Sections 215.100, 218.103, and 218.106. Within the first two of these three sections the geographic limits of the Chicago nonattainment area are defined; the provisions in the third section allow for a timely phase-in of the applicability of the rules to the three new townships. The phase-in period is recommended by the Agency to be one year from the date of required SIP submission (i.e., November 15, 1993).

AFFECTED SOURCES

The Agency has undertaken a search to identify potentially affected VOM emission sources located within the three townships. They conclude that there are twelve identifiable stationary sources of VOM emissions. Of these, the Agency concludes that seven are already in compliance with the Part 218 regulations, and therefore do not appear to be impacted by the proposed amendments. (Exh. 1 at 8; Tr. at 23). The other five⁴ the Agency concludes may be required to undertake measures ranging from recordkeeping and reporting to reduction of emissions. (Exh. 1 at 8-9; Tr. at 24)

The Agency invited representatives of each of the twelve facilities to a meeting held on December 19, 1991; the five facilities identified as being impacted attended. The Agency provided summary emissions data to the impacted facilities and discussed the proposed amendments. (Exh. 1 at 7.)

TECHNICAL FEASIBILITY AND ECONOMIC REASONABLENESS

The Part 218 requirements have previously been found to be technically feasible and economically reasonable as rules of general applicability. Today's amendments add no new technical requirements. Additionally, the sources newly affected do not differ from sources currently covered by Part 218 in any way that would imply a different technical feasibility and economic reasonableness determination. (Exh. 1 at 10; Tr. at 27, 49.)

⁴ The facilities are Quantum-USI Division, Akzo Chemicals, and Alumax Mill Products located in Aux Sable Township, Reichold Chemicals located in Goose Lake Township, and Caterpillar (Aurora Plant) located in Oswego Township. (Exh. 1 at Appendix B; Tr. at 36)

MODIFICATIONS FROM FIRST NOTICE

Today's second notice is proposed without substantive change from the amendments proposed for first notice. However, pursuant to comments from the Code Division (PC #2), several form changes have been made with regard to the manner in which citations to other Parts are treated.

ORDER

The Board hereby directs that second notice of the following proposed amendments be submitted to the Joint Committee on Administrative Rules.

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

SUBCHAPTER c: EMISSIONS STANDARDS AND LIMITATIONS FOR
 STATIONARY SOURCES

PART 215
 ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS

SUBPART A: GENERAL PROVISIONS

Section 215.100 Introduction

- a) This Part contains standards and limitations for emissions of organic material from stationary sources located in areas other than the Chicago area counties of Cook, DuPage, Kane, Lake, McHenry, and Will, the Townships of Aux Sable and Goose Lake in Grundy County, and the Township of Oswego in Kendall County, and the Metro East area counties of Madison, Monroe, and St. Clair. Standards and limitations applying in the Chicago area are set forth in 35 Ill. Adm. Code 218. Standards and limitations applying in the Metro East area are set forth in 35 Ill. Adm. Code 219.
- 1) Notwithstanding any other provision of this Part, the provisions of this Part shall not apply to sources located in the Chicago area counties of Cook, DuPage, Kane, Lake, McHenry, and Will, the Townships of Aux Sable and Goose Lake in Grundy County, and the Township of Oswego in Kendall County, unless the provisions of 35 Ill. Adm. Code 218 applicable to such sources are voided or otherwise made ineffective pursuant to Section 218.100 of 35 Ill. Adm. Code 218.

- 2) Notwithstanding any other provision of this Part, the provisions of this Part shall not apply to sources in the Metro East area counties of Madison, Monroe and St. Clair unless the provisions of 35 Ill. Adm. Code 219 applicable to such sources are voided or otherwise made ineffective pursuant to Section 219.100 of 35 Ill. Adm. Code 219.

- b) Sources subject to this Part may be subject to the following:
 - 1) Permits required under 35 Ill. Adm. Code 201;
 - 2) Air quality standards under 35 Ill. Adm. Code 243.

- c) This Part is divided into Subparts which are grouped as follows:
 - 1) Subpart A: General provisions;
 - 2) Subparts B - J: Emissions from equipment and operations in common to more than one industry;
 - 3) Subparts K - M: Emissions from use of organic material;
 - 4) Subparts N - end: Special rules for various industry groups.

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

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE B: AIR POLLUTION
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER c: EMISSIONS STANDARDS AND LIMITATIONS F
 STATIONARY SOURCES

PART 218
 ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
 FOR THE CHICAGO AREA

SUBPART A: GENERAL PROVISIONS

Section 218.103 Applicability

The provisions of this Part shall apply to all sources located in Cook, DuPage, Kane, Lake, McHenry, or Will Counties, or Aux Sable Township or Goose Lake Township in Grundy County, or Oswego Township in Kendall County.

- a) The provisions of this Part shall become effective on July 1, 1991 with the following exceptions:
- 1) The provisions of this Part shall become effective on September 1, 1991 for each appellant, including the constituents represented by appellants who are associations, who has appealed the federal implementation plan (FIP) for the Chicago area (Illinois Regulatory Group v. USEPA, No. 90-2778 (and consolidated cases) (7th Cir.)).
 - 2) The effectiveness of any provision of this Part applicable to any individual source or category of sources which has appealed the FIP shall be stayed to the extent that such individual source or category of sources received a stay of the effectiveness of the FIP from USEPA or from a court. When the court has taken final action or when USEPA has published in the Federal Register final action to revise or affirm the provisions of the FIP specifically applicable to such individual source or category of sources or such stay is terminated, the Board shall take corresponding action, if necessary, by the adoption of a peremptory rule pursuant to 35 Ill. Adm. Code 102.347 and Section 5.03 of the Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, ch. 1005.03).
 - 3) The provisions of this Part shall become effective on November 15, 1992 for all sources located in Aux Sable Township or Goose Lake Township in Grundy County, or in Oswego Township in Kendall County.
- b) The provisions of the Part shall not apply to Viskase Corporation; Allsteel, Incorporated; Stepan Company; or Ford Motor Company to the extent such source has obtained an adjusted standard from the Board or an exclusion from the General Assembly for any Subpart of this Part or of 35 Ill. Adm. Code 215.

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

Section 218.106 Compliance Dates

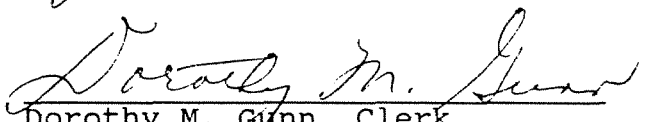
- a) Compliance with the requirements of this Part is required by July 1, 1991, or September 1, 1991, for all sources located in Cook, DuPage, Kane, Lake, McHenry, or Will Counties, consistent with the appropriate provisions of Section 218.103.

b) Compliance with the requirements of this Part is required by November 15, 1993, for all sources located in Aux Sable Township or Goose Lake Township in Grundy County, or in Oswego Township in Kendall County.

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

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 4th day of June, 1992, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board