

ILLINOIS POLLUTION CONTROL BOARD
February 27, 1992

IN THE MATTER OF:)
)
EXPANSION OF APPLICABILITY OF)
REASONABLY AVAILABLE CONTROL)
TECHNOLOGY FOR OZONE TO GOOSE) R91-28
LAKE AND AUX SABLE TOWNSHIPS IN) (Rulemaking)
GRUNDY COUNTY, ILLINOIS, AND)
OSWEGO TOWNSHIP IN KENDALL COUNTY)
ILLINOIS: AMENDMENTS TO 35 ILL.)
ADM. CODE PARTS 215 AND 218)

ORDER OF THE BOARD (by R. C. Flemal):

On February 18, 1992, the Illinois Environmental Protection Agency (Agency) filed this proposal for rulemaking. The proposal is intended to expand the geographical applicability of reasonably available control technology (RACT) regulations to certain stationary sources of volatile organic material (VOM) in Goose Lake and Aux Sable Townships in Grundy County, Illinois, and to Oswego Township in Kendall County, Illinois. On July 25, 1991, the Board adopted revisions to the State implementation plan (SIP) to make it consistent with the existing Federal implementation plan (FIP) (Board docket R91-8). The revised SIP contains a complete set of RACT regulations applying to stationary VOM sources located in the six Chicago area counties of Cook, Lake, DuPage, Kane, McHenry, and Will. However, the regulations do not include Aux Sable and Goose Lake Townships in Grundy County and Oswego Township in Kendall County. The Agency states that because these townships have now been included within the Chicago area boundaries designated by USEPA as nonattainment for ozone, they also must be included in the SIP.

Pursuant to a provision of the Clean Air Act Amendments (CAA) (42 USC §7511a(c) and a(b)(2)), Illinois is to submit these regulations changing the applicability of parts 215 and 218 as a revision to its SIP by November 15, 1992.

After a review of the proposal, the Board finds that the proposal substantially meets the requirements of the Environmental Protection Act (Act) (Ill.Rev.Stat. 1991, ch. 111 1/2, par. 1001 et. seq) and the Board's procedural rules. The hearing officer is authorized and directed to require the Agency to provide any additional information which may be necessary. The proposal is accepted for hearing. This order starts the timeclock for the Board's economic impact study (EcIS) determination and for first notice publication pursuant to

Sections 27 and 28.2 of the Act. (See 35 Ill. Adm. Code 102.160(b).)

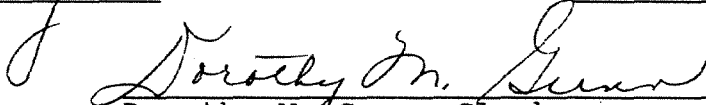
The Agency has filed several motions with the proposal. The Agency asks that the Board waive certain requirements which govern the filing of a regulatory proposal. Specifically, the Agency asks: 1) that it be allowed to submit four complete copies of the proposal and six partial copies of the proposal, rather than the original and nine complete copies; and 2) that it need not supply the Attorney General with a complete copy of the proposal. The Board grants the Agency's motion. The Agency need not submit ten complete copies of the proposal, and, because the Attorney General has agreed to accept a partial copy of the proposal, the Agency need not serve a complete copy on the Attorney General.

The Agency has also submitted a request for expedited hearing, based upon its statement that the 1990 Clean Air Act Amendments require Illinois to submit these rules changing the applicability of parts 215 and 218 by November 15, 1992. The Board assures the Agency, and all other interested persons, that the Board places a high priority on the quick resolution of this proposal, and will proceed as quickly as possible. The Board notes, however, that it is constrained by notice, publication, and hearing requirements imposed by several statutes. Nevertheless, the Board will proceed with this proposal as quickly as possible.

The Board also notes that the Agency has certified, pursuant to Section 28.2 of the Act, that this rule is federally required. The Board accepts that certification, and will reference the certification in its first notice publication.

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 27th day of February, 1992, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board