

ILLINOIS POLLUTION CONTROL BOARD
November 27, 1991

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM.) R91-35
CODE SUBTITLE B: AIR) (Rulemaking)
POLLUTION PM-10 AMBIENT LIMITS)
AND EPISODE REGULATIONS;)
35 ILL. ADM. CODE 212, 243)
and 244,)
)

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM.)
CODE SUBTITLE B: AIR) R91-36
POLLUTION PM-10 EPISODE) (Rulemaking)
REGULATIONS)

ORDER OF THE BOARD (by B. Forcade):

On November 19, 1991, the Illinois Environmental Protection Agency (Agency) filed this proposal for rulemaking. The proposal is intended to regulate particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers, which is known as PM-10. The proposal represents one part of Illinois' submittal of a complete state implementation plan (SIP) for the control of PM-10 emissions. Pursuant to Section 189 of the Clean Air Act, as amended in 1990, Illinois is to adopt and submit its plan by November 15, 1991. This proposal is directed at state wide implementation of PM-10 regulations. The Board is currently considering a proposal to control PM-10 in the McCook and Lake Calumet areas in Cook County and to the Granite City area in Madison County (R91-22). Also, the Board has completed a regulation to control PM-10 in the Oglesby area in LaSalle County, in docket R91-6.

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. 1989, 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 several requirements which govern the filing of a regulatory proposal. Specifically, the Agency

asks: 1) that the proceedings in R91-35 and R91-36 be consolidated; 2) 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; 3) that it need not supply the Attorney General with a complete copy of the proposal; and 4) that it need not provide copies of material to be incorporated by reference. The Board grants the Agency's motions, in part. The Board will consolidate the proceedings in R91-35 and R91-36 and close docket R91-36. Therefore, all future filings in this proceeding shall be filed only in R91-35. In addition, 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 Board notes, however, that in future filings of documents the Board will request at least 5 copies be filed with the Board. The documents which are proposed to be added to the incorporation by reference provisions which are Parts of the Code of Federal Regulations need not be supplied to the Board. However, any documents which are not a part of the Code of Federal Regulations shall be provided to the Board.

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 its PM-10 SIP to USEPA by November 15, 1991. The Board first notes that this proposal was not received by the Board until November 19, 1991, four days after the proposal was due to the USEPA. Therefore, it is literally impossible to complete the rulemaking process by the November 15 deadline. 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 will attempt to follow the tentative schedule set forth below:

First notice	45 days after acceptance
EcIs determination	90 days after acceptance
Merit Hearings ¹	45-90 days after acceptance
Second Notice	60 days after last hearing
Final Notice	60 days after completion of Second Notice

The Board also notes that the Agency has certified, pursuant

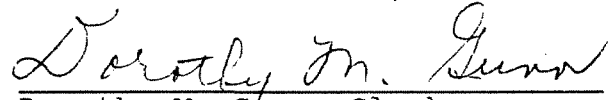
¹ This schedule does not include an EcIs hearing which may be necessary and if so, the schedule will have to be adjusted.

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. Finally, the Board points out that it has added a reference to the actual Parts being amended to the caption of this order. This amended caption shall be used in this proceeding.

In the interest of administrative economy, the Board directs the Hearing Officer to verify that the persons on the Notice List in this proceeding wish to continue to receive mailings in this proceeding.

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 November, 1991, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board