

ILLINOIS POLLUTION CONTROL BOARD
May 15, 2003

IN THE MATTER OF:)
)
PETITION OF ARGONNE NATIONAL) AS 03-3
LABORATORY FOR AN ADJUSTED) (Adjusted Standard - Air)
STANDARD FROM 35 ILL. ADM. CODE)
218.182)

ORDER OF THE BOARD (by D.C. Karpel):

On April 22, 2003, Argonne National Laboratory (Argonne) filed a petition for an adjusted standard from Board regulations that limit air emissions of volatile organic material (VOM) from stationary sources. Specifically, Argonne asks for an adjusted standard from 35 Ill. Adm. Code 218.182, which restricts the use of cold cleaning degreasers in the Chicago ozone nonattainment area.¹

Argonne states that some of its research requires the surfaces of samples and related equipment to be completely free of residual contaminants, necessitating the use of common laboratory solvents with vapor pressures that exceed the regulation's limit. Petition at 4. Argonne, which occupies a 1,500-acre site in DuPage County, is owned by the United States Department of Energy and operated by the University of Chicago. *Id.* at 1.

Since filing the petition for an adjusted standard, Argonne's attorney informed the Clerk's Office that Argonne failed to publish newspaper notice of the petition filing. Under the Environmental Protection Act (415 ILCS 5/28.1(d) (2002)), the adjusted standard petitioner must publish the notice within 14 days after filing the petition. *See* 35 Ill. Adm. Code 104.408(a). The notice must appear in a newspaper of general circulation in the area likely to be affected by the activities that would be allowed if the Board granted the requested relief. *Id.* Among other things, the notice must advise that any person may cause a public hearing to be held on the petition by filing a request for a hearing with the Board within 21 days after the date of publication. *See* 35 Ill. Adm. Code 101.408(b). Within 30 days after filing the petition, the petitioner must file with the Board a certificate of publication issued by the newspaper. *See* 35 Ill. Adm. Code 104.410.

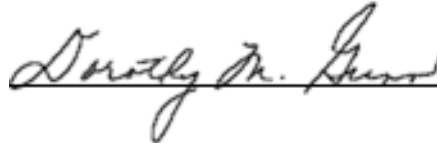
Satisfying the newspaper notice requirement is a prerequisite to the Board's jurisdiction over an adjusted standard petition. *See In re* Petition of Rhone-Poulenc Basin Chemical Co.,

¹ The Chicago ozone nonattainment area is comprised of Cook, DuPage, Kane, Lake, McHenry, and Will Counties, Aux Sable Township and Goose Lake Township in Grundy County, and Oswego Township in Kendall County. The area does not meet the National Ambient Air Quality Standard (NAAQS) for ozone adopted by the United States Environmental Protection Agency under the federal Clean Air Act (42 U.S.C. § 7409).

AS 93-9, slip op. at 1 (Jan. 20, 1994). Because Argonne failed to timely publish notice of its adjusted standard petition, the Board dismisses this case and closes the docket. Argonne may re-file its petition and publish newspaper notice within 14 days after re-filing the petition. *See In re Petition of the Ensign-Bickford Co.*, AS 00-3, slip op. at 1 (Sept. 23, 1999).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 15, 2003, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board