

ILLINOIS POLLUTION CONTROL BOARD  
March 1, 1979

IN THE MATTER OF: )  
 )  
INQUIRY HEARINGS ON ) R76-9  
INTERMITTENT CONTROL SYSTEMS FOR )  
THE CONTROL OF SULFUR DIOXIDE )  
EMISSIONS )

ORDER OF THE BOARD (by Mr. Goodman):

In 1975, the Illinois legislature amended the Environmental Protection Act to include Section 10(h), which requires the Board to prescribe the conditions under which sources may use intermittent control systems (ICS) in lieu of compliance with emissions limitations. A proposal filed by the Agency in 1975, R75-5, included a proposed ICS regulation. On April 8, 1976, the Board ordered that inquiry hearings be conducted to gather information on intermittent control systems. Inquiry hearings were held on November 17, 1976, and January 12, 1977, in Chicago, Illinois.

In August of 1977, Congress enacted amendments to the federal Clean Air Act, Public Law 95-95 (August 7, 1977). Section 123 of the amended Clean Air Act, 42 U.S.C. §7423 (1977), provides that the degree of emission control required for any pollutant under the Clean Air Act shall not be affected in any manner by any intermittent control system. Because of this provision, the Board did not include any version of the proposed ICS rule in the final regulations it adopted in R75-5.

Recent amendments to the Environmental Protection Act, including the addition of Section 9.1 which requires the Board to enact federal New Source Performance Standards and an amendment to Section 35 which requires variances to be consistent with the Clean Air Act, indicate to the Board the legislature's intent to eliminate inconsistencies between federal and state legislation. The Board finds that Section 123 of the amended Clean Air Act, 42 U.S.C. §7423, precludes us from proposing a regulation on ICS as a result of these inquiry hearings. The record in R76-9 is hereby closed.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 1<sup>st</sup> day of March, 1979 by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board