

ILLINOIS POLLUTION CONTROL BOARD
December 22, 1987

IN THE MATTER OF:)
)
VOLATILE ORGANIC MATERIAL) R82-14
EMISSIONS FROM STATIONARY)
SOURCES: RACT III)

RESOLUTION IN RESPONSE TO JCAR OBJECTION.

RESOLUTION AND ORDER OF THE BOARD (by B. Forcade):

This resolution and order constitutes the Pollution Control Board's (Board) formal refusal to modify in response to the objection of the Joint Committee on Administrative Rules (JCAR) of November 19, 1987. This response is made in accordance with Section 7.06(c)(3) of the Illinois Administrative Procedure Act (APA). A notice of refusal to modify will be timely filed with the Secretary of State for publication in the Illinois Register.

The JCAR objection reads, in pertinent part, as follows:

The Joint Committee objects to the Pollution Control Board's rules entitled "Organic Material Emission Standards and Limitations" 35 Ill. Adm. Code 215 and "Definitions and General Provisions," 35 Ill. Adm. Code 211 because the Board failed to comply with the regulatory flexibility requirements of Section 5.01 of the Illinois Administrative Procedure Act;

Although "not applicable" may not be appropriate, as JCAR alleges, the Board believes that no adverse effect will result from its inclusion as a response to the regulatory flexibility question in this proceeding. Because the rules apply to major stationary sources which emit greater than 100 tons/year, small businesses are not affected by these proposed regulations.

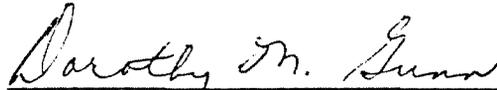
Moreover, the only remedy would appear to be reproposing the regulations for First and Second Notice. The Board does not believe that this would best serve the public interest in light of the current December 31, 1987 deadlines imposed by the Clean Air Act for the imposition of reasonably available control technology (RACT) on sources of air pollution.

Finally, small businesses have received notice of the proposed regulations through state-wide publication in the Illinois Register and through notice to the Department of Commerce and Community Affairs (DCCA). The Board has received no comments from small businesses during the comment period.

Therefore, the Board refuses to modify in response to the objection of JCAR.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Resolution and Order was adopted on the 22nd day of December, 1987 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board