

ILLINOIS POLLUTION CONTROL BOARD  
December 13, 1989

IN THE MATTER OF:	)	
	)	
	)	R89-16
RACT DEFICIENCIES -	)	(Rulemaking)
AMENDMENTS TO 35 ILL.	)	
ADM. CODE 201, 211 AND 215	)	
	)	

**AMENDED HEARING OFFICER ORDER**


On December 13, 1989, I received a telephone call from Steve Rothblatt, Chief of the Air and Radiation Branch of the United States Environmental Protection Agency (USEPA), in which he objected to the Hearing Officer's "directive" to USEPA and requested the Hearing Officer to reconsider the order. As USEPA has agreed to attend and answer questions, I believe it to be in the best interests of expediting this rulemaking to revise the order by requesting USEPA to respond rather than directing it to respond. I hereby vacate the Hearing Officer Order dated December 12, 1989 and issue in its place the following amended order.

The hearings scheduled for December 7 and 8, 1989 have been held. Two days of hearings remain - - December 14 and 15, 1989. The Illinois Environmental Protection Agency (Agency) and the United States Environmental Protection Agency (USEPA) are scheduled to be present on December 14, 1989 to respond to questions. Pursuant to Section 28.2 of the Environmental Protection Act (Act) and Section 102.160 of the Board's procedural rules, I hereby direct the Agency and request the USEPA to be prepared to respond on December 14, 1989 to the following matters:

1. Describe to the extent reasonably practicable, the types of Illinois sources and facilities that are within "the universe of affected source and facilities" subject to the proposed required rules;
2. Describe to the extent reasonably practicable, by type, approximately how many such sources and facilities would be affected by the proposed required rules.
3. Describe to the extent reasonably practicable, the anticipated economic effects of the proposed required rules on sources and facilities. Will the effect and timing of these rules result in more stringent standards in Illinois than elsewhere?

4. Has either the IEPA or USEPA determined, formally or informally, whether the proposed required rules are technically feasible? Economically reasonable?
5. If either answer to #4 is "yes", what was the nature of the determination, and when and how was it made?
6. Is it the position of either the IEPA or the USEPA that the substance of the proposed required rules cannot be altered or modified in any significant substantive way (excluding typographical errors and other non-substantive matters) if USEPA is to grant its approval? If so, what is the authority for this position? Has this authority been asserted in writing?
7. If the answer to #6 is "no", what procedure(s) and what USEPA official(s) determine whether a modification is approvable?

IT IS SO ORDERED.

  
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Daniel L. Siegfried  
Hearing Officer

Entered: December 13, 1989