

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

IN THE MATTER OF:

RACT DEFICIENCIES -
AMENDMENTS TO 35 ILL. ADM.
CODE PARTS 211 AND 215

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)
)

R 89-16

NOTICE

TO: Dorothy Gunn, Clerk
Pollution Control Board
State of Illinois Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

Dan L. Siegfried, Hearing Officer
Pollution Control Board
State of Illinois Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

Bonnie Meyer
Dept. Energy & Natural Res.
325 West Adams Street
Suite 300
Springfield, Illinois 62706

James T. Harrington
Ross and Hardies
150 N. Michigan Avenue
Suite 2500
Chicago, Illinois 60601

Percy L. Angelo
Mayer, Brown & Platt
190 South LaSalle Street
Suite 3100
Chicago, Illinois 60603

Katherine D. Hodge
General Counsel
Illinois Environmental
Regulatory Group
215 East Adams Street
Springfield, IL 62701-1199

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the MOTION IN RESPONSE TO INDUSTRY GROUP'S MOTION TO DISMISS OR SEVER PROPOSED CHANGES TO THE GENERIC RULE AND SOCMI LEAKS RULE of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ENVIRONMENTAL PROTECTION AGENCY
OF THE STATE OF ILLINOIS

By: _____

Susan J. Schroeder
Attorney
Enforcement Programs

DATE: January 30, 1990
Agency File #:

2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
217/782-5544



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
RACT DEFICIENCIES -)	R 89-16
AMENDMENTS TO 35 ILL.)	
ADM. CODE PARTS 211 AND 215)	

MOTION IN RESPONSE TO INDUSTRY GROUP'S MOTION
TO DISMISS OR SEVER PROPOSED CHANGES TO
THE GENERIC RULE AND SOCMIL LEAKS RULE

Now comes the Illinois Environmental Protection Agency ("IEPA") and moves the Illinois Pollution Control Board ("Board") to consider these comments in response to the Industry Group's Motion to Dismiss or Sever Proposed Changes to the Generic Rule and SOCMIL Leaks Rule, dated January 23, 1990 and received by the IEPA on January 24, 1990.

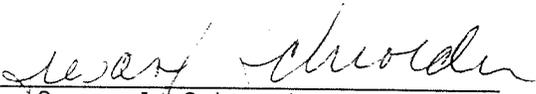
1. The IEPA does not object to creating a separate docket for the Generic Rule and SOCMIL Leaks Rule. However, this separate docketed proceeding should be in accordance with Section 28.2 of the Act. The IEPA properly certified these regulations as federally required and the Board referenced the certification in its First Notice Order, dated October 5, 1989. Therefore, even if docketed separately, the proceeding should continue to be considered a federally required rulemaking under Section 28.2 of the Act.

2. The IEPA strongly objects to the request to dismiss that portion of the R89-16 docket which consists of changes to the Generic Rule and the SOCMIL Leaks Rule. The IEPA has repeatedly stated that these proposed regulations are federally required rules pursuant to Section 28.2 of the Act.

This response does not signify concurrence with any particular representation or argument made in support of the Industry Group's Motion. The IEPA reserves the right to brief or comment on the issues contained in the Industry Group's Motion prior to the close of the comment period.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Susan J. Schroeder
Attorney

Dated: January 30, 1990

2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
217/278-5544

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached MOTION IN RESPONSE TO INDUSTRY GROUP'S MOTION TO DISMISS OR SEVER PROPOSED CHANGES TO THE GENERIC RULE AND SOCFI LEAKS RULE upon the person to whom it is directed, by placing a copy in an envelope addressed to:

Dorothy Gunn, Clerk
Pollution Control Board
State of Illinois Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
(AIRBORNE EXPRESS)

Dan L. Siegfried, Hearing Officer
Pollution Control Board
State of Illinois Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
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Chicago, Illinois 60603
(FIRST CLASS)

Katherine D. Hodge
General Counsel
Illinois Environmental
Regulatory Group
215 East Adams Street
Springfield, IL 62701-1199
(FIRST CLASS)

and mailing it from Springfield, Illinois on January 30, 1990, with sufficient postage affixed as indicated above.

May D. McClemon

SUBSCRIBED AND SWORN TO BEFORE ME

this 30th day of January, 1990.

Barbara K. McGee
Notary Public

