

Board Adopts First Notice Opinion and Order to Correct Technical Error in Rules to Control Volatile Organic Material Emissions

On August 19, 2010, the Illinois Pollution Control Board adopted for first-notice a proposal docketed as In the Matter of: Reasonably Available Control Technology (RACT) for volatile Organic Material Emissions From Group II consumer & Commercial Products: Propose Amendments to 35 Ill. Adm. Code 211, 218, and 219, R10-08(A). The Board took this action without commenting on the merits of the proposal. The Illinois Environmental Protection Agency (IEPA) indicates that recently adopted rules contain a technical error and that it seeks a mechanism to correct it.

In adopting regulations in docket R10-8 on June 17, 2010, the Board held this subdocket (A) open for 45 days in order to address issues raised in correspondence received by the Board on June 7, 2010, from the Flexible Packaging Association (FPA). FPA has not filed a timely rulemaking proposal. On July 29, 2010, the IEPA filed a “Motion for Leave to File in Subdocket A, or Alternatively, Motion to Open Subdocket B” to correct a technical error. The IEPA argues that the error makes compliance with the rules “impossible” and that there is no disagreement that an amendment is necessary.

Publication of these proposed amendments in the *Illinois Register* will begin a 45-day public comment period, during which anyone may file a public comment with the Board. The Board encourages persons to file public comments on these proposed amendments. The docket number for this rulemaking, R10-08(A), should be indicated on the public comment.

Public comments must be filed with the Clerk of the Board. Public comments may be filed at the following address:

Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

In addition, public comments may be filed electronically through COOL at www.ipcb.state.il.us. Any questions about electronic filing through COOL should be directed to the Clerk’s Office at (312) 814-3629

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board’s Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk’s office

For more information contact Tim Fox at (312)-814-6085 or email at foxt@ipcb.state.il.us.