

Board Adopts for First Notice Changes to the Volatile Organic Material Emission Control Regulations

On November 5, 2009, the Illinois Pollution Control Board accepted for hearing, and adopted for first notice, the rulemaking proposal docketed as In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emission From Group III Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 281 and 219 (R10-10). This rulemaking was filed on October 23, 2009 by the Illinois Environmental Protection (IEPA) pursuant to the “fast-track” rulemaking provisions at Section 28.5 of the Environmental Protection Act (Act).

The IEPA states that it seeks to satisfy Illinois’ obligations under the federal Clean Air Act (CAA) to submit a State Implementation Plan (SIP) to address requirements for sources of volatile organic material (VOM) emissions in area designated as nonattainment with respect to ozone National Ambient Air Quality Standard (NAAQS). Specifically, the IEPA proposes VOM emission controls in response to control techniques guidelines (CTGs) issued for the following Group III Consumer and Commercial Product Categories: paper, film, and foil coatings; metal furniture coatings; and large appliance coatings.

Under Section 28.5, the Board is required to proceed toward adoption of the regulation by following strict deadlines. The first of those deadlines is that the Board must “within 14 days of receipt of the proposal” file for first notice under the Illinois Administrative Procedure Act and schedule all required hearings. Therefore, the Board accepted the proposal without commenting on the merits and adopted the rule for first notice. In addition, the Board directed the hearing officer to expeditiously schedule all hearings in this proceeding.

In an order dated November 5, 2009, the hearing officer scheduled three hearings to take place in Chicago. The first begins Wednesday, December 9, 2009, the second begins Wednesday, January 6, 2010, and the third begins Wednesday, January 20, 2010. The second hearing will be held if, within seven days after the first hearing, any person requests a second hearing. The third hearing will be cancelled if the IEPA indicates to the Board that the IEPA will not introduce any additional materials. Hearings shall be continued day-to-day as necessary to complete the subject matter of the hearing.

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.