

Board Seeks Public Comment on Proposal to Update Volatile Organic Material Definition

The Pollution Control Board, on October 1, 2009, adopted a proposal for public comment that would add two compounds to the list of those exempted from the definition of Volatile Organic Material (VOM). The update is needed to ensure that Illinois' regulations reflect the United States Environmental Protection Agency's (USEPA) most recent exemption of chemical compounds from regulation as ozone precursors. The proposal is docketed as In the Matter of: Definition of VOM Update, USEPA Regulations (January 1, 2009 through June 30, 2009) (R10-7).

Specifically, the proposal would add propylene carbonate (PC) (IUPAC name 4-methyl-1,3-dioxolan-2-one; CAS no. 108-32-7), and Dimethyl carbonate (DMC) (IUPAC name; CAS no. 616-38-6). USEPA added these compounds to the list of chemicals exempted from the definition of VOM codified at 40 C.F.R. 51.100(s) on January 21, 2009

Section 9.1(e) of the Environmental Protection Act mandates this rulemaking and requires the Board to exclude from the definition of VOM those compounds determined by USEPA to be exempt from regulation under the state implementation plans for ozone "due to negligible photochemical reactivity." Additionally, the Board is required to conduct this rulemaking pursuant to the provisions of Section 7.2(b) of the Act for adoption rules that are "identical in substance" to federal requirements.

Section 9.1(d) also provides that Title VII of the Act and Section 5-35 of the Administrative Procedure Act do not apply to this type of rulemaking. Accordingly, the Board will not adopt a "First Notice" proposal, or a "Second Notice" proposal for review by the Joint Committee on Administrative Rules. However, as provided in Section 9.1(e) of the Act, the board, before adopting final rule amendments will provide notice of this rulemaking proposal in the *Illinois Register*, hold one public hearing on the proposal as required by the federal Clean Air Act and allow for 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. The docket number for this rulemaking, R10-7, should be indicated on the public comment.

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 Michael McCambridge at (312)-814-6924 or email at mcambm@ipcb.state.il.us.