

ILLINOIS POLLUTION CONTROL BOARD  
October 2, 1989

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

ORDER OF THE BOARD (by J.D. Dumelle):

On September 29, 1989, the Agency filed a proposal for amendments to 35 Ill. Adm. Code Parts 201, 211 and 215. The Agency has certified that the proposed amendments meet the "required rule" definition contained in Section 28.2 of the Act. The Agency has stated that the proposal is federally required to meet the reasonable available control technology ("RACT") requirements contained in Sections 110, 110(a)(h)(ii), 172(b)(2),(5) and (8) of the Clean Air Act.

The proposal contains amendments to the RACT regulations for certain sources of volatile organic materials. The proposal responds to various deficiencies in the Illinois State Implementation Plan identified by the United States Environmental Protection Agency (USEPA). The Agency's proposal is accomplished by a statement of David Kee, Director of the Air and Radiation Division, USEPA Region V. The statement concludes:

If the attached state proposed regulations are adopted by the Illinois Pollution Control according to the schedule set forth in Exhibit C of the settlement agreement resolving Wisconsin v. Reilly lawsuit U.S. EPA's intent is to approve these state proposed regulations as a SIP revision in lieu of federal promulgation of these RACT rules.

The Wisconsin settlement schedule provides for final adoption of rules on or before May 25, 1990. The proposal does not state whether the Wisconsin court has ruled on the acceptability of the proposed settlement.

The Board hereby accepts this proposal for hearing. Accordingly, the 21 day period established by Section 28.2(c) for submittal of comments concerning whether an economic impact study should or should not be prepared commences today.

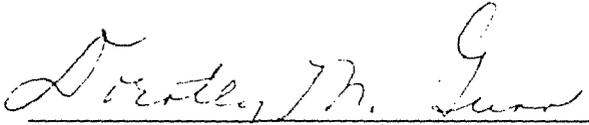
The Board notes that the proposal as submitted by the Agency groups rules by the SIP deficiency to which they respond. Each

group proposes amendments to various sections within Parts 201, 211, and 215. The Agency has not assembled a version of Parts 201, 211, and 215 suitable for publication in the Illinois Register which shows all changes proposed in these parts and contains tables of contents and appropriate source notes. In the interests of efficient processing of this proposal, the Board directs its staff to prepare a proposal suitable for Illinois Register publication. In so doing, staff is also directed to identify any areas in which the Agency's proposal may fail to conform with the style, content, or format requirements of the Illinois Administrative Procedures Act.

The Board presently intends to take further action in this docket on October 5, 1989.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 3<sup>rd</sup> day of October, 1989, by a vote of 4-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board