

ILLINOIS POLLUTION CONTROL BOARD
November 2, 1995

IN THE MATTER OF:)
)
LISTING OF FEDERAL HAZARDOUS AIR)
POLLUTANTS, GREAT LAKES COMMISSION TOXIC) R96-4
COMPOUNDS AND GREAT WATERS PROGRAM TOXIC) (Rulemaking-Air)
COMPOUNDS, AND SOURCE REPORTING FOR)
ILLINOIS TOXIC AIR CONTAMINANTS:)
AMENDMENTS TO 35 ILL. ADM. CODE 232.)

ORDER OF THE BOARD (by J. Yi):

On October 13, 1995 the Illinois Environmental Protection Agency (Agency) filed this regulatory proposal pursuant to Sections 9.5, 27 and 28 of the Environmental Protection Act (Act). (415 ILCS 5/9.5, 5/27 and 5/28 (1994).) In addition to the proposal the Agency filed a motion to waive certain filing requirements, to expedite the hearing process and to consolidate R90-1(C), In the Matter of: Toxic Air Contaminant List (35 Ill. Adm. Code Part 232); Reporting Requirements for Emission Sources and R90-1(D), In the Matter of: Toxic Air Contaminant List, Styrene (35 Ill. Adm. Code Part 232.Appendix A), into this proceeding.

The proposal has two (2) main purposes all of which are connected to the Illinois's Toxic Air Contaminants (ITAC) list. First, the proposal intends to update the ITAC by adding chemicals or substances either listed as federal Hazardous Air Pollutants (HAPs) under Section 112(b) of the Clean Air Act (CAA) as amended in 1990, or targeted as chemicals or compounds of concern under the United States Environmental Protection Agency's (USEPA) "Great Waters" program under Section 112(m) of the CAA to 35 Ill. Adm. Code 232.Appendix A. In addition to updating ITAC, the proposal will require all sources that meet the applicability criteria to submit an ITAC Source Report for the calendar year 1996. Finally the proposal will correct typographical errors in the current ITAC list.

As mentioned above, the Agency also filed a motion to waive certain filing requirements of 35 Ill. Adm. Code Part 102. The Agency is requesting that the Board waive the requirement of 35 Ill. Adm. Code 102 concerning the number of copies it needs to file. The Agency states that due to the length of the proposal it requests the Board to allow it to file the original and five (5) full copies and four (4) partial copies with the Board instead of nine (9) full copies. Additionally, the Agency requests that it be required to file only one copy of the incorporated material to meet the requirement of 35 Ill. Adm. Code 102.121(f). Finally, the Agency requests the Board to waive the requirement to file copies of all the information it relied

upon in developing the proposal. In particular the Agency is requesting the Board to waive the copy requirement for the CAA as amended in 1990 (42 U.S.C. § 7401 et seq.) and for Section 313 of the Emergency Planning and Community Right-to-Know Act (Title II of the Superfund Amendments and Reauthorization Act of 1986) (42 U.S.C.A. § 11001 et seq.) (SARA). The Board grants the Agency's motion to waive the above described filing requirements.

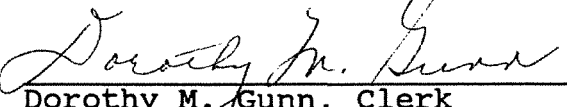
Additionally, the Agency requests the Board for expedited hearings in this matter. The Agency states it is making this request so that the reporting requirements in the proposal will coincide with the SARA reporting requirements. The Board will grant the Agency motion given the applicable timing constraints of the Act.

Finally, the Agency requests the Board to consolidate the regulatory proposals of R90-1(C) and R90-1(D) into a single docket. The Board created R90-1(C), In the Matter of: Toxic Air Contaminant List (35 Ill. Adm. Code Part 232); Reporting Requirements for Emission Sources, for the purposes of promulgating reporting requirements for the ITAC list as the title suggests. The Agency's proposal in this docket sets forth those requirements. The Board created R90-1(D), In the Matter of: Toxic Air Contaminant List, Styrene (35 Ill. Adm. Code Part 232. Appendix A), for considering the listing of styrene on the ITAC list. The Agency's proposal in this docket would list styrene on the ITAC due to it being listed on the HAP list. Since this proposal encompasses the actions of R90-1(C) and R90-1(D) and there is a long history to the proceedings and associated negotiations, the Board will incorporate the records in dockets in R90-1(C) and R90-1(D) into this docket rather than consolidate these three dockets. Additionally, the Board will by separate order dismiss the dockets in R90-1(C) and R90-1(D).

The Board finds that the Agency proposal meets the filing requirements of Sections 27 and 28 of the Act and our procedural rules. Therefore we accept this matter for hearing. The hearing officer is directed to set this matter to hearing pursuant to this order and the requirements of the Act and our procedural rules.

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 2nd day of November, 1995, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board