

ILLINOIS POLLUTION CONTROL BOARD
January 24, 1991

IN THE MATTER OF:)
)
RACT DEFICIENCIES IN THE)
CHICAGO AREA: AMENDMENTS) R91-7
TO 35 ILL.ADM.CODE PART 215) (Rulemaking)
AND THE ADDITION OF PART 218)

ORDER OF THE BOARD (by J. Theodore Meyer):

On January 17, 1991, the Illinois Environmental Protection Agency (Agency) filed this proposal for rulemaking. The proposal seeks to correct deficiencies identified by the United States Environmental Protection Agency in Illinois' state implementation plan (SIP) for ozone for the Chicago area, and contains regulations requiring the implementation of reasonably available control technology (RACT) for certain sources of volatile organic material (VOM). The proposal is quite lengthy, and the Board has not yet completed its review of the proposal. Board review of the proposal will continue. This order does not constitute acceptance of the proposal, as submitted, for hearing. (See 35 Ill.Adm.Code 102.160(b).)

However, the Agency has filed several motions with the proposal, which the Board will address. The Agency asks that the Board waive several of its procedural rules which govern the filing of a regulatory proposal. Specifically, the Agency asks: 1) that it be allowed to submit three complete copies of the proposal and seven partial copies of the proposal, rather than the original and nine complete copies; 2) that it need not supply the Attorney General with a complete copy of the proposal; 3) that it be allowed to submit one of its supporting documents (in this case, the federal implementation plan (FIP) docket) at a later date; and 4) that it need not provide copies of material to be incorporated by reference. The Board grants the Agency's motion in part. The Agency need not submit ten complete copies of the proposal, and, because the Attorney General has agreed to accept a partial copy of the proposal, the Agency need not serve a complete copy on the Attorney General. The Agency may submit the FIP docket at a later date, as directed by the hearing officer. Pending complete review of the proposal, the Board reserves ruling on the Agency's request not to submit materials incorporated by reference.

The Agency has also submitted a request for expedited hearing, based upon its statement that the 1990 Clean Air Act Amendments require Illinois to submit its RACT deficiency SIP revisions to USEPA by May 15, 1991. The Board assures the Agency, and all other interested persons, that the Board places a high priority on the quick resolution of this proposal, and will proceed as quickly as possible. The Board notes, however, that

it is constrained by requirements imposed by several statutes. Several of the dates suggested by the Agency in its motion are impossible to meet. For example, the Agency suggests that the Board issue a hearing notice tomorrow and hold hearings on February 25 and 26. However, federal law, as well as the Board's procedural rules, require that notice of hearings on air pollution proposals be published at least 30 days prior to the hearing date. (See 40 CFR 51.102; 35 Ill. Adm. Code 102.162(a)(1).) It is obviously impossible for this Board to schedule hearing locations and have state-wide notice actually published by tomorrow. Thus, the Board will proceed with this proposal as quickly as possible.

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 _____ day of _____, 1991, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control

Board