

ILLINOIS POLLUTION CONTROL BOARD
April 9, 1992

IN THE MATTER OF:)
)
EXEMPTIONS FROM THE DEFINITION) R92-6
OF VOM, USEPA REGULATIONS) (Identical in Substance Rules)
(JULY 1 THROUGH DECEMBER 31,)
1991))

Proposed Rule. Dismissal Order.

ORDER OF THE BOARD (By J. Anderson):

Section 9.1(e) of the Environmental Protection Act (Act) requires the Board to adopt regulations which are "identical in substance" with USEPA policy statements that exempt compounds from the definition of volatile organic compound due to their negligible photoreactivity.

Until the opening of this docket, the Board has amended its definition of volatile organic material (VOM) as we have noticed that USEPA has amended its recommended policy statement. In all other substantive areas where the Board has an identical-in-substance mandate, we have routinely reserved dockets at the end of each update period without regard to whether we are aware of USEPA amendments or not. In this way the Board assures that we examine USEPA activities during the update period before we take action to dispose of each docket. This system has worked well in the state RCRA, UIC, UST, pretreatment, and SDWA programs to assure a timely and thorough periodic review of the federal rules. The Board believes that this system is appropriate for the mandate pertaining to the federal exemption of negligibly-reactive compounds from RACT regulation. Accordingly, the Board reserved this docket for USEPA amendments to its policy exempting negligibly-reactive compounds during the period from July 1 through December 31, 1991.

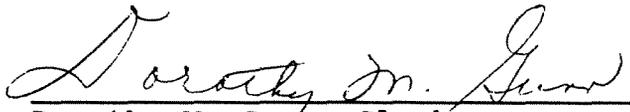
In the prior docket, R91-10, the Board adopted amendments to Parts 211 and 215 that implement revisions to the federal policy exempting negligibly-reactive compounds which occurred on March 18, 1991, at 56 Fed. Reg. 11418. In docket R91-24, the Board has proposed amendments to Parts 203, 218, and 219 that further implement the federal revisions of March 18, 1991. USEPA adopted a new definition of "volatile organic compound" at 40 CFR 51.100(s), effective March 4, 1992, 57 Fed. Reg. 3941 (Feb. 3, 1992), and simultaneously withdrew its "Recommended Policy on the Control of Volatile Organic Compounds." Docket R91-24 considers the impact of the adoption of the new federal definition. The Board has interpreted that the mandate of Section 9.1(e) would require us to adopt any amendment of the federal policy as embodied in the federal definition of "volatile organic compound." In re Exemptions from the Definition of VOM, R91-24 (Feb. 27, 1992) (Proposed opinion and order).

In light of the foregoing discussion, the Board has examined the federal rules for USEPA revisions to its policy exempting negligibly-reactive compounds from RACT regulation. USEPA did not amend its policy statements during the current update period of July 1 through December 31, 1991.

For the foregoing reasons, the Board hereby dismisses this proceeding.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted on the 9th day of April, 1992, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board