

ILLINOIS POLLUTION CONTROL BOARD
April 22, 1993

IN THE MATTER OF:)
)
OMNIBUS CLEANUP OF THE VOLATILE)
ORGANIC MATERIAL RACT RULES) R93-9
APPLICABLE TO OZONE NONATTAINMENT) (Rulemaking)
AREAS: AMENDMENTS TO 35 ILL. ADM.)
CODE PARTS 203, 211, 218 AND 219.)

ORDER OF THE BOARD (by B. Forcade):

This matter is before the Board to correct an administrative error that occurred in the Agency's submittal of the proposed amendment to the Board, which resulted in the omission of some material from the first notice publication in the April 9, 1993 Illinois Register. Part 218 was published at 17 Ill. Reg. 4905 and Part 219 was published at 17 Ill. Reg. 5169.

On April 12, 1993, the Board received a phone call from Kathleen Bassi of the Agency. The Secretary of State informed the Agency that some sections were incomplete and some sections were missing from the first notice as published in the Illinois Register on April 9, 1993. The missing sections include parts of sections 218.211 and 218.401 and all of sections 218.301, 218.302, 218.303 and 218.304. The missing portion covers six consecutive pages of the proposal. Also, in Part 219, a page from 219.404 was misplaced into section 219.968.

The copies of the proposal filed with the Secretary of State were photocopies of the proposal submitted by the Agency to the Board. The Board has reviewed the proposal as filed in the Clerk's Office and the omitted portions from 218 are not included in the original proposal. The Agency did not submit an original and nine copies of the proposal as required by the Board's regulations but requested a waiver of this requirement and filed five complete copies and four partial copies. The Board granted the waiver of this requirement in its March 25, 1993 opinion and order. The Agency submitted single sided copies with no page numbers (Secretary of State - First Notice format) and double sided copies with page numbers and hole punched (to reduce the amount of paper and make the proposal easier to handle). The missing sections are not included in any of the single sided copies in the Board's possession. The double sided copies and the electronic version submitted by the Agency include the missing sections. The misplaced page from 219 is in the correct location in the original proposal in the Clerk's office.

The text of the proposed regulations in the opinion and order was taken from the electronic version provided by the Agency so the complete proposal was included in the Board's March 25, 1993 opinion and order. The Board mailed copies of this opinion and order to the 147 people listed on the notice list.

The missing sections and misplaced page have been submitted to the Secretary of State and are scheduled to be published in the April 23, 1993 Illinois Register as a notice of correction.

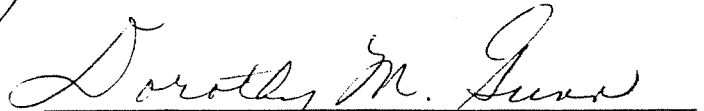
The Board considers this to be an administrative error which can be corrected by publication of the omitted and misplaced portions. The Board intends to proceed in this matter according to the opinion and order and to proceed with the scheduled hearings. The first hearing in this matter is scheduled for May 7, 1993.

The Board's intent in issuing this order is to minimize any confusion that may result from the omission of these portions from the First Notice Publication in the Illinois Register and to make the public aware of the correction notice. The Board notes that the proposal in the Board's March 25, 1993 opinion and order contains the missing sections and is not affected by the correction notice.

The Board notes that it strictly construes the requirements of Section 28.5. However, the Board finds that considering the circumstances surrounding this filing, particularly the volume of the proposed amendment, the interests of all parties are best served by correcting this error in this manner. The Board also finds that proceeding in this manner is consistent with the purpose of Section 28.5.

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 22nd day of April, 1993, by a vote of 6-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board