

ILLINOIS POLLUTION CONTROL BOARD
April 8, 1993

IN THE MATTER OF:)
)
SMALLER SOURCE PERMIT RULES:) R93-11
AMENDMENTS TO 35 ILL. ADM. CODE) (Rulemaking)
PART 201)

ORDER OF THE BOARD (by R.C. Flemal):

On April 2, 1993 the Illinois Environmental Protection Agency (Agency) filed this proposal for rulemaking. The rules are intended to implement a provision of Section 39 of the Illinois Environmental Protection Act [415 ILCS 5/39] as added by P.A. 87-1213, effective September 26, 1992. That provision is as follows:

After July 1, 1993, operating permits issued under this Section by the Agency for sources of air pollution permitted to emit no more than 25 tons per year of any combination of regulated air pollutants, as defined in Section 39.5 of this Act, shall be required to be renewed only upon written request by the Agency consistent with applicable provisions of this Act and regulations promulgated hereunder. Such operating permits shall expire 180 days after the date of such a request. The Board shall revise its regulations for the existing State air pollution operating permit program consistent with this provision by March 31, 1993.

The Board, of course, cannot accomplish its March 31, 1993 assignment given that the proposal was not filed until after that date. However, the Agency notes that it expects to ask the General Assembly to extend the adoption date. Thereby, the Agency's proposal can be considered timely by the Board, and be forwarded through the APA process with proper time allotted for the activities of the Office of the Secretary of State and the Joint Committee on Administrative Rules. The Board notes that there is a bill currently before the General Assembly, SB 952, in which the adoption and implementation dates are addressed.

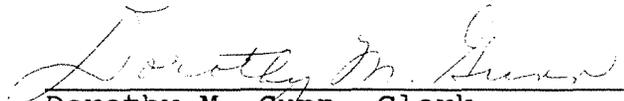
The Agency has filed two motions with the proposal. In its Motion for Waiver of Certain Requirements the Agency asks that the Board waive that portion of 35 Ill. Adm. Code 102.120 that requires filing of the instant proposal with the Attorney General (AG) and with The Department of Energy and Natural Resources (DENR); both the AG and DENR agree to the motion. The motion is hereby granted

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The Agency's second motion is a Motion for Expedited Hearings, in which the Agency moves the Board to set the necessary hearings for the earliest possible dates. This motion is also granted, consistent with constraints imposed by notice and other applicable hearing requirements.

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 8th day of April, 1993, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board