

ILLINOIS POLLUTION CONTROL BOARD
January 7, 1993

IN THE MATTER OF:)
)
PETITION OF ALUMAX, INC.) AS 92-13
FOR ADJUSTED STANDARD FROM) (Adjusted Standard)
35 Ill. Adm. Code Part 218)

ORDER OF THE BOARD (by B. Forcade):

On November 25, 1992, Alumax filed a Petition for Adjusted Standard seeking an adjusted standard from certain air pollution control regulations found at 35 Ill. Adm. Code Subpart TT, and 35 Ill. Adm. Code 218.108. On December 14, 1992, the Illinois Environmental Protection Agency ("Agency") filed a request for extension of time to respond, and on December 23, 1992, Alumax filed its notice of publication.

The Agency request for an extension of time until March 30, 1993 to file a recommendation is hereby granted.

The Board finds the petition does not comply with the requirements of 35 Ill. Adm. Code 106.705 regarding the contents of a Petition for Adjusted Standard. Specifically the petition does not contain information pertaining to paragraphs (e) and (g):

Section 106.705 Petition Contents

The petition shall be captioned in accordance with 35 Ill. Adm. Code 101. Appendix A. If the Agency is a co-petitioner, the petition shall so state. The petition shall contain headings corresponding to the informational requirements of each subsection of this Section. The following information shall be contained in the petition:

* * * * *

- e) A description of the efforts which would be necessary if the petitioner were to comply with the regulation of general applicability. All compliance alternatives, with the corresponding costs for each alternative, shall be discussed. The discussion of costs shall include the overall capital costs as well as the annualized capital and operating costs.

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- g) The quantitative and qualitative impact of the petitioner's activity on the environment if the petitioner were to comply with the regulation of general applicability as compared to the quantitative and qualitative impact on the environment if the

petitioner were to comply only with the proposed adjusted standard. To the extent applicable, cross-media impacts shall be discussed. For the purposes of this Section, cross-media impacts shall mean impacts which concern environmental subject areas other than those addressed by the regulation of general applicability and the proposed adjusted standard. Also, the petitioner shall compare the qualitative and quantitative nature of emissions, discharges or releases which would be expected from compliance with the regulation of general applicability as opposed to that which would be expected from compliance with the proposed adjusted standard. For the purposes of this subsection, the term qualitative means a narrative description of character, and the term quantitative means a numerically based description;

Unless an Amended Petition is filed within 60 days curing the above noted defects, this matter will be subject to dismissal.

As an additional matter, the Board notes that Alumax has requested an adjusted standard from 35 Ill. Adm. Code 218.108 which provides:

Section 218.108 Exemptions, Variations, and Alternative Means of Control or Compliance Determinations

Notwithstanding the provisions of any other Sections of this Part, any exemptions, variations or alternatives to the control requirements, emission limitations, or test methods set forth in this Part shall be effective only when approved by the Agency and approved by the USEPA as a SIP revision.


Alumax has not provided an explanation or justification for an adjusted standard for this language, nor has Alumax provided alternative language. The Board seeks clarification of Alumax's intent in seeking an adjusted standard from this Section. Further, the Board seeks guidance from the parties, either in briefs or at hearing, as to the proper interpretation of the relationship of Section 218.108 (and similar text at Section 218.906(c) and other locations) with the Board's adjusted standard process outlined in Section 28.1 of the Act.

Finally, the Board notes that Alumax has not requested hearing at this time (Petition, p. 8). The Board questions whether this proceeding would require a hearing, as it arises under the obligations of the Clean Air Act.

Unless an Amended Petition is filed within 60 days curing the above noted defects, this matter will be subject to dismissal.

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 7th day of January, 1993, by a vote of 5-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

0138-0363