

ILLINOIS POLLUTION CONTROL BOARD  
August 22, 1991

IN THE MATTER OF: )  
 )  
PM-10 EMISSION LIMITS FOR THE )  
McCOOK AND LAKE CALUMET AREAS )  
OF COOK COUNTY, ILLINOIS, AND ) R91-22  
THE GRANITE CITY AREA OF ) (Rulemaking)  
MADISON COUNTY, ILLINOIS: )  
AMENDMENTS TO 35 ILL.ADM.CODE )  
PARTS 211 AND 212 )

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

On August 19, 1991, the Illinois Environmental Protection Agency (Agency) filed this proposal for rulemaking. The proposal is intended to regulate particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers, which is known as PM-10. The proposal represents one part of Illinois' submittal of a complete state implementation plan (SIP) for the control of PM-10 emissions. Pursuant to Section 189 of the Clean Air Act, as amended in 1990, Illinois is to adopt and submit its plan by November 15, 1991. This proposal is directed at the McCook and Lake Calumet areas in Cook County, and to the Granite City area in Madison County. The Board is currently considering a proposal to control PM-10 in the Oglesby area in LaSalle County, in docket R91-6.

After a review of the proposal, the Board finds that the proposal substantially meets the requirements of the Environmental Protection Act (Act) (Ill.Rev.Stat. 1989, ch. 111 1/2, par. 1001 et. seq) and the Board's procedural rules. The hearing officer is authorized and directed to require the Agency to provide any additional information which may be necessary. The proposal is accepted for hearing. This order starts the timeclock for the Board's economic impact study (EcIS) determination and for first notice publication pursuant to Sections 27 and 28.2 of the Act. (See 35 Ill.Adm.Code 102.160(b).)

The Agency has filed several motions with the proposal. The Agency asks that the Board waive several requirements which govern the filing of a regulatory proposal. Specifically, the Agency asks: 1) that it be allowed to submit four complete copies of the proposal and six 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 the entire package not be submitted at this time; and 4) that it need not provide copies of material to be incorporated by reference.

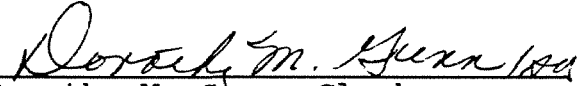
The Board grants the Agency's motion. The Agency need not submit ten complete copies of the proposal, and, because the Attorney General has agreed to accept a partial copy of the proposal, the Agency need not serve a complete copy on the Attorney General. Because the documents which are proposed to be added to the incorporation by reference provisions are Parts of the Code of Federal Regulations, the Agency need not supply the Board with copies of those documents. As to the Agency's request that it not be required to submit the entire package at this time, the Board is uncertain of the meaning of the Agency's request. Although the motion to waive requirements does not elaborate on the request, the Board assumes that the request refers to the Agency's representation in its statement of reasons that the Granite City area proposal is not complete. The Board notes that a regulatory proposal can be amended, but cautions the Agency that amendments made after this proposal is published in the Illinois Register for first notice may require a separate first notice publication.

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 PM-10 SIP to USEPA by November 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 notice, publication, and hearing requirements imposed by several statutes. Because of these statutory requirements, it is literally impossible to complete the rulemaking process by the November 15 deadline. Nevertheless, the Board will proceed with this proposal as quickly as possible.

The Board also notes that the Agency has certified, pursuant to Section 28.2 of the Act, that this rule is federally required. The Board accepts that certification, and will reference the certification in its first notice publication. Finally, the Board points out that it has added a reference to the actual Parts being amended to the caption of this order. This amended caption shall be used in this proceeding.

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 August, 1991, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board