

ILLINOIS POLLUTION CONTROL BOARD
July 3, 1990

IN THE MATTER OF:)
)
RACT DEFICIENCIES,) R89-16(B)
AMENDMENTS TO 35 ILL. ADM.) (Rulemaking)
CODE 201, 211 AND 215)

ORDER OF THE BOARD (by J.D. Dumelle):

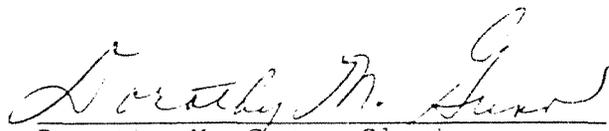
This matter comes before the Board upon its own motion. On September 29, 1989 the Illinois Environmental Protection Agency ("Agency") filed a proposal to amend 35 Ill. Adm. Code 201, 211 and 215. Pursuant to the Board's Order of February 8, 1990, these amendments were divided into two categories - Subdocket (A) and Subdocket (B). Subsequent to notice requirements being met in conjunction with the Joint Committee on Administrative Rules ("JCAR") approval, the Board, in its Final Order of May 10, 1990, adopted Subdocket (A).

In its Order of June 7, 1990, the Board stated that the proposed RACT amendments contained within Subdocket (B) might very well be duplicative in that they were being promulgated on a federal level. This Order was consistent with the Board's February 8, 1990 Order. Accordingly, the June 7, 1990 Order notified the Agency that Subdocket (B) would be dismissed unless the Agency notified the Board that it intends to re-submit the amendments contained within Subdocket (B). To date, the Board has yet to be contacted by the Agency in this regard.

The Board has learned that the RACT rules and RACT rule improvements specified for Illinois in Exhibit B have been published in the June 29, 1990 Federal Register pursuant to the settlement agreement in Wisconsin v. Reilly. Therefore, the dismissal of Subdocket (B) from the Board's jurisdiction is appropriate. Accordingly, Subdocket (B) is hereby dismissed.

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 3rd day of July, 1990 by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board