

ILLINOIS POLLUTION CONTROL BOARD

July 9, 1981

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO CHAPTER 2:) R81-16,
AIR POLLUTION CONTROL RULES AND REGULATIONS) DOCKETS A AND B
(MAJOR SOURCE PERMIT PROGRAMS, §9.1 OF THE)
ILLINOIS ENVIRONMENTAL PROTECTION ACT).)

ORDER OF THE BOARD (by I. Goodman):

The Illinois Environmental Protection Agency's July 2, 1981 motion to overrule hearing officer order is denied.

The hearing officer's order of May 22, 1981 sets technological hearings on the nonattainment part of the proposal. Whatever rules proposed which relate to the issuance of these permits will be the subject matter of these hearings; whatever rules relate to the attainment part of the proposal will be the subject matter of technological hearings to be held after receipt of the EIS. The order does not rule that specific proposed rules are applicable solely to one part or the other. The order is clearly an attempt to meet the statutory deadline for the nonattainment portion.

The establishment of Dockets A and B is for purposes of hearing, e.g., to focus evidence related solely to one part of the proposal in one hearing transcript. The regulatory proceeding R81-16 covers both programs; nothing in the hearing officer's order prevents the Board from adopting both programs simultaneously after completion of hearings, nor from considering both dockets for such purpose. Future hearings will be combined (technological and economic) and are to be held upon receipt of the EIS. However, each of these hearings will be limited to consideration of either the attainment or the nonattainment program for clarity of the record.


In view of §9.1 of the Act, it is not the Board's intention to adopt regulations which duplicate §9.1(f) or any of the applicable federal statutes or regulations. The intent of the hearing officer's order was to ascertain from the proponent which, if any, of its proposed regulations were exactly like federal and therefore state requirements; the proponent's response to the order stated that none are, although proponent's motion states that §165 of the Clean Air Act is duplicated, and that there will be duplicate BACT requirements (p.4).

Hearings on July 20 and 21, 1981 shall not be delayed or continued.

IT IS SO ORDERED.

Mr. Anderson abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 4th day of July, 1981 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board