

ILLINOIS POLLUTION CONTROL BOARD
July 21, 1982

IN THE MATTER OF:)
)
MAJOR SOURCE CONSTRUCTION) R81-16
AND MODIFICATION) Docket B

Proposed Rule. First Notice.

ORDER OF THE BOARD (by I. G. Goodman):

The rules pertaining to major source construction and modification proposed by the Illinois Environmental Protection Agency were accepted by the Board on May 15, 1981 and divided into two dockets: Docket A, the Attainment or Prevention of Significant Deterioration Program (PSD) and Docket B, the Non-attainment or New Source Review (NSR) Program. Docket A, PSD, is premised on Section 165 of the Clean Air Act (42 USC 7475) and Docket B, NSR, is premised on Section 173 of the Clean Air Act (42 USC 7503). The Agency's proposal contained the permit program for PSD in Subpart B and the permit program for NSR in Subpart A.

Merit hearings dealing exclusively with Subpart A, Docket B, were held on July 20 and 21, 1981 in an effort to comply with the statutory mandate that the Board adopt regulations establishing such a permit program on or before October 1, 1981. (Ill. Rev. Stat. 1979, ch. 111½, par. 1009.1(d).) Interim rules, which were in fact the Agency's administrative rules for permitting new sources in non-attainment areas, were adopted on December 17, 1981. Due to the two forty-five statutory notice periods contained in the Administrative Procedure Act, Ill. Rev. Stat. 1979, ch. 127, pars. 1005.01(a) and (b), the Board was only able to complete First Notice.

Pursuant to Section 9.1(e) of the Environmental Protection Act (Ill. Rev. Stat. 1979, ch. 111½, par. 1009.1(e)) "Rules for Issuance of Permits to New or Modified Air Pollution Sources Affecting Non-attainment Areas" promulgated by the Agency expire on October 1, 1982. Statutory expiration of the Agency's rules is imminent, but these same rules were adopted by the Board as its Interim rules and as Board rules are not subject to expiration. Nevertheless, in an effort to comply with the statutory intent, the Board directs the proposed rules included in Docket B of this proceeding to First Notice. It should be noted that these rules are those proposed by the Agency, unchanged by the Board, and therefore subject to amendment by the Board.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 21st day of July, 1982 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board