

ILLINOIS POLLUTION CONTROL BOARD
April 24, 1975

IN THE MATTER OF)
AIR QUALITY MAINTENANCE AREA) R74-6
DESIGNATIONS)
)

OPINION AND ORDER OF THE BOARD (by Mr. Dumelle):

The Illinois Environmental Protection Agency (Agency) filed on March 17, 1975 a Motion to Modify the Board Order dated February 6, 1975 in the above captioned matter. This Board Order requested that the Agency update the data and techniques used in the technical analyses presented at the hearings held by the Board in the above captioned matter. In essence the Agency requests that the Board rescind this Order and in place grant the Agency's requested Air Quality Maintenance Area designations as per the record in R74-6. The Agency alleges that it could have adopted the Air Quality Maintenance Area designations (hereinafter referred to as AQMA) without holding public hearings pursuant to the Environmental Protection Act but that U.S. Environmental Protection Agency regulations required hearings. The Agency states that it could have held the hearings rather than requesting the Board to conduct the hearings. The Agency stated that "it appreciates the nature of the hearings -- the orderliness, the official tone, and the serious comment evoked -- held by the Board".

The Agency maintains that it may designate AQMA as a basis for studying the need for and arriving at proposed maintenance plan regulations to the Board. The Agency alleges that until maintenance plan regulations have been submitted to the Board for public hearing and formal adoption, that no person, company or governmental unit will be prejudiced by the Agency's designation of AQMA's.

The Board agrees with the Agency's representation that it could have adopted AQMA with the necessity of Board action. Although the Board conducted three days of hearings in the above captioned proposal, no Board action is necessary prior to the Agency's designation of Air Quality Maintenance Areas. Therefore, the Order entered by the Board on February 6, 1975 is rescinded. The Agency is free to designate whatever Air Quality Maintenance Areas it wishes.

ORDER

The regulatory proposal, R74-6, is hereby terminated.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 24th day of April, 1975 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board