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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
October 6, 2003
ORIGINAL

IN THE MATTER OF:)
)
CLEAN-UP AMENDMENTS TO 35 ILL.) R04-10
ADM. CODE PART 214) (Rulemaking – Air)
PROPOSED NEW AND UPDATED RULES)

HEARING OFFICER ORDER

On September 2, 2003, the Illinois Environmental Protection Agency (Agency) filed a proposal for rulemaking pursuant to Sections 27 and 28 of the Illinois Environmental Protection Act (Act), 415 ILCS 5/27 and 28 (2002). The proposal seeks to correct typographical errors in the “special formula” set forth at Section 214.184 that is used to determine sulfur dioxide emissions from stationary sources. The Agency states the proposal clarifies the existing formula for calculating sulfur dioxide emissions from stationary sources. The Board accepted the Agency’s proposal for hearing on September 18, 2003.

The Board’s technical staff has reviewed the Agency’s proposal along with the Board’s Final Order in Docket R75-5/R74-2¹ dated December 14, 1978. The review suggests that the typographical errors identified in the Agency proposal occurred when the old Board Rule 204² was re-codified in October 1983. See 7 Ill. Reg. 13579, October 1983. Further, the review indicates that in addition to those in the “Special Formula” at Section 214.184, a number of other inadvertent typographical errors/changes may have occurred during the re-codification of the old Board rules. These errors appear in Sections 214.183, 214.184 and 214.appendix C.

To make hearing in this rulemaking as efficient as possible, it would be helpful for the Agency to review the Board’s original sulfur dioxide regulations under Rule 204 in conjunction with the current rules at 35 Ill. Adm. Code 214. If the Agency agrees that additional clean-up of these rules is necessary, it would be helpful for the Agency to propose additional corrections in advance of hearing, if necessary, in an errata sheet. The Agency may contact Anand Rao, the Board’s Senior Environmental Scientist, if the Agency has any specific questions or needs additional information concerning the above mentioned re-codification errors.

Finally, the hearing officer expects to schedule the two required hearings in this docket as soon as possible.

¹ The Board originally adopted the formulae for determination of sulfur dioxide emissions in consolidated Dockets R75-5 and R74-1.

² Old Rules 204 (e)(1) and (e)(2) were codified as 35 Ill. Adm. Code 214.183, 214.184, and 214.Appendix C.

IT IS SO ORDERED.

William F. Murphy
William Murphy
Hearing Officer
Illinois Pollution Control Board
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(312) 814-6062

CERTIFICATE OF SERVICE

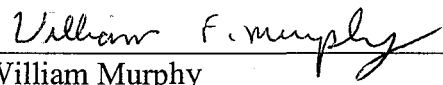
It is hereby certified that true copies of the foregoing order were mailed, first class, to each of the following on October 6, 2003

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It is hereby certified that a true copy of the foregoing order was hand delivered to the following on October 6, 2003:

Dorothy M. Gunn
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