

ILLINOIS POLLUTION CONTROL BOARD
May 5, 2005

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO) R05-20
EXEMPTIONS FROM STATE) (Rulemaking - Air)
PERMITTING REQUIREMENTS FOR)
PLASTIC INJECTION MOLDING)
OPERATIONS (35 ILL. ADM. CODE 201.146))

ORDER OF THE BOARD (by N.J. Melas):

This rulemaking, proposed by the Chemical Industry Council of Illinois (CICI), proposes revisions to the Board's regulations for air construction and operating permits. The proposal seeks to add one category to the existing list of permit exemptions in Section 201.146. 35 Ill. Adm. Code 201.146. According to CICI, the purpose of the proposal is to eliminate the burden of state construction and operating permitting of low emitting emission units and activities for both the Environmental Protection Agency (Agency) and owners and operators of plastic injection equipment. Today the Board accepts the proposal for hearing.

As reflected above, the Board changes the caption to comport with Board rulemaking procedures. In this order, the Board discusses the proposed amendments and accepts the rulemaking for hearing.

CICI states that Section 201.146 contains a list of 59 exemptions based on categories of emission units and activities that CICI refers to as "categorical exemptions." Statement at 1-2.¹ The proposed amendment would include plastic injection molding operations in the categories of emissions units exempt from state air permitting requirements. CICI refers to the proposed language as the "plastic injection molding" exemption. Statement at 2. CICI states that plastic injection molding operations emit volatile organic material and that emissions from the associated activities covered under the proposed exemption to Section 201.146 of the Board's regulations are negligible. *Id.*

According to CICI, because of the low level of emissions they generate, plastic injection molding operations would qualify for the "*de minimis* emissions" exemption proposed by the proponents in the pending rulemaking docket R05-19. Statement at 3. CICI states, however, that exemption applies only to permitted facilities, so plastic injection molding facilities that do not otherwise require an Agency-issued air pollution control permit would not be eligible for that proposed exemption.

Since CICI specifically requests that its proposal differs in nature from the proposed amendments to state air permitting requirements in *In re: Proposed Amendments to Exemptions from State Permitting Requirements (35 Ill. Adm. Code 201.146)*, R05-19, the Board does not

¹ The Board will cite to the Statement of Reasons as "Statement at _."

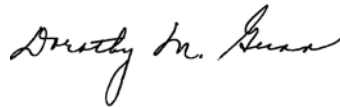
consolidate the dockets at this time. However, the Board may coordinate hearings in this docket with those in R05-19 in the interest of administrative economy.

CICI also requests a waiver of the Board's proposal content requirements to include a petition signed by at least 200 persons. *See* 35 Ill. Adm. Code 102.202(f). In support of its request, CICI attached an affidavit of CICI's executive director, Mr. Mark Biel, stating that CICI is an Illinois "not-for-profit" organization with over 198 member businesses that operate in Illinois. Statement, Exh. B. CICI also attached a list of CICI's member companies. Statement, Exh. C. The Board grants CICI's request and waives the petition requirement.

On April 19, 2005, CICI filed this proposal for rulemaking pursuant to Sections 27 and 28 of the Environmental Protection Act (Act) and 35 Ill. Adm. Code 102.202(b). 415 ILCS 5/27, 28 (2002). The Board finds that the rulemaking satisfies the content requirements of Section 102.202 of the Board's procedural rules. 35 Ill. Adm. Code 102.202. The Board accepts this proposal for hearing and directs the assigned hearing officer to proceed expeditiously under the rulemaking provisions of the Act and Board procedural rules.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 5, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board