

ILLINOIS POLLUTION CONTROL BOARD  
March 25, 1993

IN THE MATTER OF: )  
 ) AS 92-13  
PETITION OF ALUMAX, INC. ) (Adjusted Standard)  
FOR ADJUSTED STANDARD FROM )  
35 Ill. Adm. Code Part 218 )

ORDER OF THE BOARD (by B. Forcade):

On November 25, 1992, Alumax filed a Petition for Adjusted Standard seeking an adjusted standard from certain air pollution control regulations found at 35 Ill. Adm. Code Subpart TT, and 35 Ill. Adm. Code 218.108. On December 14, 1992, the Illinois Environmental Protection Agency ("Agency") filed a request for extension of time to respond, and on December 23, 1992, Alumax filed its notice of publication.

On January 7, 1993, the Board issued an order requesting additional information. On March 8, 1993, Alumax filed an Amended Petition.

The January 7, 1993 Board order found the petition did not comply with the requirements of 35 Ill. Adm. Code 106.705 regarding the contents of a Petition for Adjusted Standard. Specifically the petition did not contain information pertaining to paragraph(g):

Section 106.705            Petition Contents

The petition shall be captioned in accordance with 35 Ill. Adm. Code 101. Appendix A. If the Agency is a co-petitioner, the petition shall so state. The petition shall contain headings corresponding to the informational requirements of each subsection of this Section. The following information shall be contained in the petition:

\* \* \* \* \*

- g) The quantitative and qualitative impact of the petitioner's activity on the environment if the petitioner were to comply with the regulation of general applicability as compared to the quantitative and qualitative impact on the environment if the petitioner were to comply only with the proposed adjusted standard. To the extent applicable, cross-media impacts shall be discussed. For the purposes of this Section, cross-media impacts shall mean impacts which concern environmental subject areas other than those addressed by the regulation of general applicability and the proposed adjusted standard. Also, the petitioner shall compare the qualitative and

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quantitative nature of emissions, discharges or releases which would be expected from compliance with the regulation of general applicability as opposed to that which would be expected from compliance with the proposed adjusted standard. For the purposes of this subsection, the term qualitative means a narrative description of character, and the term quantitative means a numerically based description;

In its amended petition, Alumax states that "Petitioner has determined that further comparison of the quantitative and qualitative environmental impacts of Petitioner's activity if Petitioner were to comply with the control requirements of Subpart TT, versus if petitioner were to comply with the adjusted standard, would be unduly burdensome. The purpose of a RACT determination is to ascertain the reasonably available control technology." (Am. Pet. p.14).

The Board disagrees. This is not a RACT regulatory proceeding. This is an adjusted standard under Section 28.1 of the Act, subject to the requirements of Section 28.1 (c) (3) of the Act and Board regulations at 35 Ill. Adm. Code 106.705 (g). Both of those provisions require a comparison of the before and after environmental impacts. So far, Alumax has declined to provide such a comparison. Alumax must provide a comparison of environmental impacts sufficient to fulfill the requirements of Section 28.1(c)(3) and 35 Ill. Adm. Code 106.705 (g).

Nothing in today's order precludes Alumax from filing any regulatory proposal it may choose to pursue.

As an additional matter, the Board notes that Alumax has requested an adjusted standard from 35 Ill. Adm. Code 218.108 which provides:

Section 218.108 Exemptions, Variations, and Alternative Means of Control or Compliance Determinations

Notwithstanding the provisions of any other Sections of this Part, any exemptions, variations or alternatives to the control requirements, emission limitations, or test methods set forth in this Part shall be effective only when approved by the Agency and approved by the USEPA as a SIP revision.

Alumax did not provide an explanation or justification for an adjusted standard for this language, nor did Alumax provide alternative language. The Board sought clarification of Alumax's

intent in seeking an adjusted standard from this Section. Alumax states, "Alumax believes that the information requirements for a petition for adjusted standard specified in Sections 106.705(a)-(k) are not applicable for Petitioner's request for an Adjusted standard from Section 218.108 and that the above explanation is adequate." (Am. Pet. p. 18).

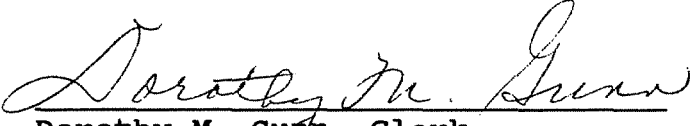
The Board disagrees. The obligations imposed by Section 218.108 are separate and distinct from the other obligations. Absent a demonstration that the statutory and regulatory requirements for an adjusted standard are met, the Board cannot grant an adjusted standard from that provision. Alumax must provide information sufficient to fulfill the requirements of Section 28.1(c) and 35 Ill. Adm. Code 106.705 as it pertains to relief from Section 218.108.

The Board will not proceed with this adjusted standard until Alumax files an amended petition correcting these deficiencies. By April 16, 1993, Alumax shall file an amended petition or give reasons why it needs an extension of time. Failure to timely file will subject this matter to dismissal.

Finally, the Board notes that Alumax has requested hearing, but requested scheduling of that hearing be delayed. That decision will be delayed until disposition of the informational deficiencies.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 25<sup>th</sup> day of March, 1993, by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board