

ILLINOIS POLLUTION CONTROL BOARD
January 10, 1980

IN THE MATTER OF:)
) R78-6
PROCEDURAL RULES REVISIONS (PART VI:)
HEARINGS PURSUANT TO SPECIFIC RULES))

OPINION OF THE BOARD (by Mr. Goodman):

This Opinion supports the Board Order entered in this matter December 13, 1979.

On January 18, 1979 the Board proposed revisions to Chapter 1: Procedural Rules. The proposed revisions were published in the Illinois Register on February 12, 1979. No hearings have been held. Five public comments were received.

Rules 601-607 are identical to old Part VI of Chapter 1: Procedural Rules; Rules 611-614 are identical to old Part VI(A) of Chapter 1: Procedural Rules. Rules 621-626 are new and are designed to specify the manner in which proceedings under Rule 204(e)(3) of Chapter 2: Air Pollution Control Regulations, relating to sulfur dioxide emissions are to be held.

On December 14, 1978 the Board made substantial changes to Rule 204(e). Rule 204(e)(3) now provides an adjudicative proceeding through which an owner or operator of an existing fuel combustion emission source which is located outside the Chicago, Peoria and St. Louis (Illinois) Major Metropolitan Areas may obtain an alternative limitation for sulfur dioxide emissions. Rule 204(e)(3)(A) requires that any source owner or operator who seeks this alternative limitation follow the Board's Procedural Rules. This rulemaking establishes applicable procedures regarding Rule 203(e)(3)(A).

The January 18, 1979 proposal was drawn entirely from proposed Illinois Environmental Protection Agency (Agency) Guidelines which had been submitted as Exhibit 64 in R75-5, Amendments to Chapter 2, Part II, Sulfur Dioxide Emissions. Five public comments were received and are discussed below.

Public Comment #1, from Sherex Chemical Company, made three recommendations: (1) any model approved for use in the U.S. EPA "Guidelines on Air Quality Models" should be accepted, (2) certain meteorological data input restrictions should be clarified, and (3) the Agency's response time should be shortened to 45 days. The first two suggestions have been incorpo-

rated into Rules 622(g)(1) and 622(g)(2), respectively. The Board declines the invitation to shorten the response time allotted to the Agency.

Public Comment #2, from Agency Technical Advisor Mary Rehmann, suggested alternative amendments which would locate in these Rules procedures to be used for determinations under Rule 410(c) of Chapter 3: Water Pollution. The Board finds that this proposal is outside the scope of this rulemaking and hence has not made the suggested additions.

Public Comment #3, from Agency Director Michael Mauzy, suggested several clarifications which the Board incorporated into Rules 621(c)(3), 621(c)(5), 622(a), and 622(b)(3). The Board also adopted the Agency position that the hearing should be held in the county in which the source is located. In addition, the Agency requested a chance to comment further on the modeling requirements of the Rule. (See Public Comment #5, infra.)

Public Comment #4, from the U.S. EPA, Region V, indicated that they would not approve studies using the air quality model "AQSTM". This objection has been met by the substantial revision of Rule 622(g), part of which dictates that only U.S. EPA approved dispersion models (or their equivalent) be used.

Public Comment #5, from the Agency, sets forth the Agency's proposed procedures for air quality analyses. These procedures are currently in use and allow for subsequent revision. The Board has incorporated the procedures into the Rules with one exception; the references to new sources in Agency-proposed Rules 622(g)(4) and 622(g)(5) have been eliminated since this procedure is for existing sources only.

This Opinion constitutes the findings of fact and conclusions of law of the Board in this matter.

Mr. Werner dissents.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion was adopted on the 10th day of January, 1980 by a vote of 3-1.


Christan L. Moffett, Clerk
Illinois Pollution Control Board