

ILLINOIS POLLUTION CONTROL BOARD
February 28, 1991

IN THE MATTER OF:)
)
PETITION OF FORD MOTOR COMPANY) AS 91-2
FOR ADJUSTED STANDARD FROM) (Adjusted Standard)
35 ILL. ADM. CODE §215.204(a)(1))

ORDER OF THE BOARD (by J. C. Marlin):

This matter comes before the Board upon two February 27, 1991 filings made by Ford Motor Company. The first is a petition for adjusted standard from 35 Ill. Adm. Code 215.204(a)(1) from the emission limitations for volatile organic compounds (VOC) for prime surfacer coat applications, as that rule applies to the guide coating process at Ford's Chicago assembly plant.

The second filing is a motion for expedited consideration and expedited hearing. In that motion, Ford recites that material prejudice would result if the Board does not act on this matter today and adopt an Order establishing an accelerated hearing, comment and decision schedule containing the dates proposed by Ford. Ford asserts that:

"In order to comply with the recently promulgated Federal Implementation Plan ("FIP"), by July 1, 1991 Ford must obtain the requested adjusted standard, in the form of a SIP revision, and must obtain the approval of the United States Environmental Protection Agency ("U.S.EPA") for the SIP revision, and must complete its compliance demonstration with satisfactory results. Ford expects that obtaining U.S. EPA's approval will require at least 60 days in and of itself, even though U.S. EPA has indicated that it will consider any SIP revision obtained by Ford for "expedited final approval." Thus, for Ford to meet the July 1 deadline, it must submit its SIP revision to U.S. EPA in time for first publication in the Federal Register on or before May 2, 1991.

Ford suggests the following timetable:

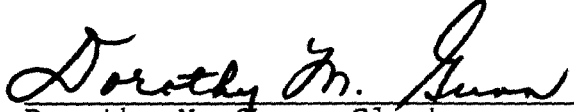
<u>DATE</u>	<u>EVENT</u>
February 27, 1991	Ford files its petition
February 28, 1991	Petition accepted for hearing
March 5, 1991	Notice of hearing
Before March 13, 1991	Ford publishes notice of filing
March 29, 1991	IEPA responds to petition
April 4, 1991	Hearing in Cook County
April 18, 1991	Comments close
April 25, 1991	Adjusted standard granted
April 26, 1991	SIP revision to U.S. EPA

As it is the Board's custom to accede to requests for expedited consideration to the extent practicable, this matter was placed on the Board's agenda for consideration despite its receipt very late in the afternoon on the day before a Board meeting. (See 35 Ill. Adm. Code 101.181, providing that documents must be received 2 days before a scheduled Board meeting to insure placement on the agenda for that meeting.) The Board notes that Ford's motion is conspicuously silent as to why it is so tardy in making its relief request to the Board, given that the FIP was promulgated a full eight months ago, on June 29, 1990 (55 FR 28814). The Board further notes that, after Ford's eight month delay, Ford's proposed hearing and decision timetable allows the Board a "generous" one week period after close of the record in which to draft and reach a decision, in order to allow USEPA a full 60 days in which to determine approvability of any adjusted standard as a SIP revision. Finally, the Board also notes that Ford's request for an immediate hearing has been made at a time when, due to a fiscal shortfall, the Board is involved in the painful process of deferring some hearings, and prioritizing others, as funds are presently insufficient to allow hearings to be held in all pending cases. While the Board is continuing its efforts to secure additional monies, whether and when such efforts may prove fruitful is unknown.

Under these circumstances, the Board could justifiably find that any prejudice to Ford is self imposed and deny its request. However, in consideration of the approximately 2,800 people employed at Ford's Chicago plant, the Board will grant the request to expedite hearing and decision. In so doing, the Board makes no commitment to adhere to Ford's proposed timetable, although it will be guided by Ford's suggestions consistent with the Board's workload and resource constraints.

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 28th day of February, 1991, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board