

ILLINOIS POLLUTION CONTROL BOARD

July 12, 2001

IN THE MATTER OF: )  
)  
PETITION OF AMEROCK CORPORATION, ) R01-15  
ROCKFORD FACILITY, FOR SITE- ) (Site Specific Rulemaking-Water)  
SPECIFIC RULEMAKING PETITION FOR )  
AMENDMENT TO 35 ILL. ADM. CODE )  
304.403 )

ORDER OF THE BOARD (by C.A. Manning):

Petitioner Amerock Corporation (Amerock) filed a petition for site-specific rulemaking in this matter on September 14, 2000. The petition was deficient in several respects. The Board requested that Amerock file an amended petition by November 6, 2000, or risk dismissal of its petition. On November 2, 2000, Amerock requested additional time to file the amended petition. The Board granted that request, and Amerock filed an amended petition on November 27, 2000.

On January 18, 2001, the Board issued an order in which it found that Amerock's amended petition was still deficient in several areas. The Board listed 21 deficiencies that Amerock had to address in a second amended petition. The Board set June 29, 2001, as the deadline for the filing of the second amended petition.

On June 21, 2001, Amerock filed a "Motion for Extension of Time to File Second Amended Petition" (motion). In its motion, Amerock states that the Illinois Environmental Protection Agency (Agency) will soon be filing a regulatory proposal with the Board that would revise certain effluent limitations. Amerock claims that some of the effluent limitations in the regulatory proposal are at issue in its petition. After consulting with the Agency attorney in this matter, the hearing officer has learned that the Agency will soon file a regulatory proposal with the Board revising water quality standards, some of which relate to the relief requested in Amerock's petition.

In the motion, Amerock claims that the upcoming Agency regulatory proposal might require it to generate additional information not already required by the Board's January 18, 2001 order. On the other hand, Amerock claims that the regulatory proposal could moot its petition. Amerock requests an extension of the June 29, 2001 deadline in order to review the Agency's regulatory proposal. Amerock requests that the Board allow it 60 days to review the Agency's regulatory proposal after it is filed. Amerock would then file a status report in which it would advise the Board of the time that it would need to prepare the necessary information in support of its site-specific rulemaking proposal, if necessary.

The Board recognizes that there is a possibility that the soon-to-be-filed Agency regulatory proposal may moot the relief requested in Amerock's petition if the Agency's proposal relaxes water quality standards for the constituents at issue in Amerock's petition. However, there is also a possibility

that the Agency's regulatory proposal may have no effect on the 21 deficiencies that the Board requested Amerock address in the January 18, 2001 Board order.

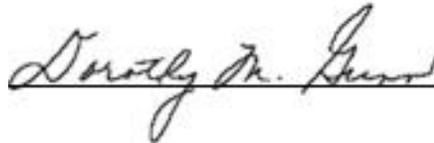
The Board cancels the June 29, 2001 deadline called for in its January 18, 2001 order. The Board will direct the hearing officer to issue an order to Amerock shortly after the filing of the Agency's regulatory proposal.

The Board has been generous in allowing Amerock additional time to file amended petitions in this matter. The Board cautions Amerock that if the Agency's regulatory proposal has little or no effect on the 21 deficiencies, it will direct the hearing officer to order that Amerock submit the information related to the 21 deficiencies. The Board might direct the hearing officer to demand that Amerock file the information in as little as 45 days after the date of the next hearing officer order.

IT IS SO ORDERED.

Board Member T.E. Johnson abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 12th day of July 2001 by a vote of 4-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board