

ILLINOIS POLLUTION CONTROL BOARD
April 24, 1986

IN THE MATTER OF)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R86-10
211 & 215 ORGANIC MATERIAL)
EMISSION STANDARDS AND LIMITATIONS)
FOR SYNTHESIZED PHARMACEUTICAL)
MANUFACTURING PLANTS.)

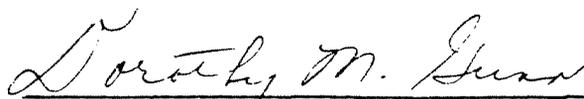
ORDER OF THE BOARD (by J. D. Dumelle):

This matter comes before the Board upon a February 26, 1986, Petition to Amend 35 Ill. Adm. Code, Parts 211 and 215 filed by the Illinois Environmental Protection Agency (Agency). On April 10, 1986, the Board received a Motion for Protective Order and a Motion to Dismiss filed on behalf of Abbott Laboratories. The Board is not ruling on the Motion for a Protective Order. However, for the following reasons, the Motion to Dismiss is hereby denied.

Under Section 28 of the Environmental Protection Act, the Agency does not have to meet the requirements which persons other than the Agency or the Department of Energy and Natural Resources must meet when filing regulatory proposals with the Board. Specifically, upon the filing of a regulatory proposal by the Agency, the Board is directed to schedule a public hearing without regard to whether the proposal is supported by an adequate statement of reasons, whether is it accompanied by 200 signatures or plainly devoid of merit or whether a hearing has been held on the subject within the preceding 6 months. Notwithstanding these requirements, the Board may also in its discretion waive the above conditions for any regulatory proposal. Lastly, the Agency does provide a statement of reasons for its proposed regulations but states that its information is extremely limited at this time. The Board believes that the Agency's reasons for the proposed regulation will be adequately developed at hearing. Therefore, Abbott's Motion to Dismiss is hereby denied.

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 24th day of April, 1986 by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board