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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

January 31, 2008

IN THE MATTER OF:)	
)	
ABBOTT LABORATORIES' PROPOSED)	R08-8
SITE SPECIFIC AMENDMENT TO)	(Rulemaking - Air)
APPLICABILITY SECTION OF ORGANIC)	
MATERIAL EMISSION STANDARDS AND)	
LIMITATIONS FOR THE CHICAGO AREA;)	
SUBPART T: PHARMACEUTICAL)	
MANUFACTURING (35 ILL. ADM. CODE)	
218.480(b)))	

NOTICE OF HEARING

DATE, TIME, PLACE:

FRIDAY, MARCH 7, 2008, 1:00 p.m.

Village Hall, Village of Libertyville
118 W. Cook Street—Second Floor
Libertyville, Illinois

PURPOSE OF HEARING:	Merit and economic
ATTENDING BOARD MEMBER:	Nicholas J. Melas
HEARING OFFICER:	Kathleen M. Crowley

HEARING OFFICER ORDER

Procedural History

On September 4, 2007, Abbott Laboratories (Abbott) filed a proposal for site-specific rulemaking pursuant to Section 28 of Environmental Protection Act (Act) (415 ILCS 5/28 (2006)), to allow it "additional operational flexibility" with regard to emissions from certain tunnel dryers and fluid bed dryers at its pharmaceutical manufacturing facility (the Facility) located in Libertyville Township, Lake County.

Abbott's operations are subject to 35 Ill. Adm. Code, Subpart T – Pharmaceutical Manufacturing (Subpart T). As currently written, Subpart T in Section 218.480(b) contains certain exemptions that are only applicable to Abbott's air suspension coater/dryer, fluid bed

In compliance with the Americans With Disabilities Act and other applicable federal and State laws, the hearings will be accessible to individuals with disabilities. Persons requiring auxiliary aids should contact John T. Therriault, Assistant Clerk of the Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601, at telephone number (312) 814-3620, or TDD number (312) 814-6032, at least five days before the particular hearing.

dryers, tunnel dryers, and Accelacotas located at the Facility. Abbott is proposing to amend these site-specific exemptions by “capping” and lowering the overall emissions allowable under the exemptions from its tunnel dryers numbered #1, #2, #3 and #4, and fluid bed dryers numbered #1, #2 and #3, and calculating the amount of exempted emissions from the dryers based on the actual combined emissions from the dryers. Abbott believes that, if adopted, the proposed amendment would reduce the overall allowable emissions from these units while increasing Abbott’s operational flexibility, by allowing it to make preferential use of the more efficient fluid bed dryers.

In an October 4, 2007 order, the Board accepted the proposal for hearing. The Board also authorized publication of the proposal (without comment on the proposal’s merits) in the Illinois Register as required by the Illinois Administrative Procedure Act (IAPA), 5 ILCS 100 et seq. (2006). The proposed rules were published at 31 Ill. Reg. 14581 (October 26, 2007). No public comments or requests for hearing were received during the IAPA first-notice public comment period, which ended December 10, 2007.

On October 18, 2007, as required under Section 27(b)(1) of the Act, 415 ILCS 5/27(b)(1)(2006), the Board requested that the Department of Commerce and Economic Opportunity (DCEO) conduct a study of the economic impact of the proposed rules. DCEO has not responded to that request, and has not submitted a study.

By letter of October 19, 2007, the Joint Committee on Administrative Rules (JCAR) requested the Board to make an analysis of the economic and budgetary effects of the proposed rule under Section 5-40(c) of the IAPA (5 ILCS 100/5-40(c)(2006)). The Board must submit the analysis along with its submission of the rule for JCAR’s second-notice review under the IAPA.

Hearing and Prefiling Deadlines

As noted above, the hearing in this rulemaking will be held in Libertyville on March 7, 2008, beginning at 1:00 p.m. Both the technical justification and economic impact of the rules will be addressed at this hearing, as the Board presently does not intend to schedule another hearing. *See* Section 27 (b) of the Act, 415 ILCS 5/27(b) (2006) and Section 102.414 of the Board’s procedural rules, 35 Ill. Adm. Code 102.414.

As proponent, Abbott will first present testimony and exhibits in support of its proposal; and answer questions posed by the Illinois Environmental Protection Agency (IEPA) and any other hearing participants. Then, the IEPA, followed by any other hearing participants, may present testimony and exhibits concerning the proposed rule. All participants are requested to address economic and budgetary effects issues, to provide the Board with a record on which to address JCAR’s concerns.

Abbott, the IEPA, and any other persons who wish to testify at the hearing must prefile their testimony and any related exhibits with the Board no later than February 22, 2008. *See* 35 Ill. Adm. Code 102.424. The “mailbox rule” (35 Ill. Adm. Code 101.300(b)(2)) does not apply

to this filing—therefore, the Clerk of the Board must *receive* the prefiled testimony by February 22, 2008. In the interests of hearing efficiency, participants are requested, but are not required, to advise one another in advance of hearing of questions they may wish to ask based on the prefiled testimony.

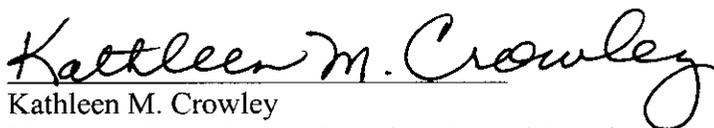
Timely prefiled testimony will be entered into the record as if read. Those who prefile must be prepared to provide oral summaries of their prefiled testimony at hearing. Others who do not prefile may testify only as time permits. All persons who testify will be sworn and subject to questioning.

Abbott's proposal and various other filings in this rulemaking may be obtained on the Board's Web Site through the Clerk's Office On-Line (COOL) at www.ipcb.state.il.us. Please note that prefiled testimony may be filed through COOL. Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629.

Prefiled testimony filed with the Board must also be served on those persons on the Service List. Before filing with the Clerk, please check with Don Brown at (312) 814-3461 or brownd@ipcb.state.il.us or the hearing officer to ensure that you have the most recent version of the Service List.

At the close of hearing, the hearing officer will set a date by which the record will close and all public comments must be submitted. *See* 35 Ill. Adm. Code 102.108. As the Board is aware that Abbott would appreciate Board decision-making as soon as possible, the posthearing comment period will not be lengthy unless unanticipated circumstances dictate otherwise.

IT IS SO ORDERED.



Kathleen M. Crowley
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