

ILLINOIS POLLUTION CONTROL BOARD  
October 20, 1994

In the Matter of: )  
 )  
PETITION OF INDIAN REFINING ) R94-29  
LIMITED PARTNERSHIP FOR A ) (Rulemaking)  
SITE-SPECIFIC RULE )

ORDER OF THE BOARD (by M. McFawn):

On October 6, 1994, Indian Refining Limited Partnership (IRLP) filed a petition for a site-specific rule to be applicable to its refinery located in Lawrence County, Illinois. IRLP seeks a site-specific rule applicable to the opacity standards and the emission rate of particulate matter from its Fluidized Catalytic Cracking Unit at this facility. We find that there are several deficiencies in the petition, identified below, and we direct petitioner to file an amended petition correcting these deficiencies.

We note initially that petitioner filed its notices of filing and appearances in this action in one notice with its notices of filing and appearances in a related action before the Board, Indian Refining Limited Partnership v. Illinois Environmental Protection Agency, PCB 94-287, a variance proceeding. Because these proceedings are docketed separately, it is necessary that separate notices of filing and appearances be filed for each proceeding. Since the notices of filing and appearances filed by petitioner were docketed in as part of the variance proceeding in PCB 94-287, separate notices of filing and appearances should be filed in this proceeding.

Second, pursuant to 35 Ill. Adm. Code 102.121(h), for all rulemaking proposals where the Illinois Environmental Protection Agency is not the proponent, it is necessary for the proponent to file a petition signed by at least 200 persons in support of the proposal. While petitioner's notice of filing submitted as part of the related variance proceeding in PCB 94-287 indicates that petitioner intended to file a motion requesting a waiver of this requirement, no such motion was received by the Board. Petitioner is directed to correct this deficiency.

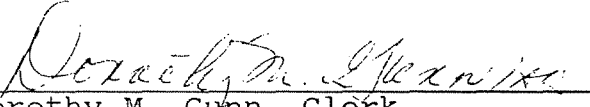
Third, pursuant to 35 Ill. Adm. Code 102.121(c), the proponent is required to address the questions contained in the Analysis of Economic and Budgetary Effects of Proposed Rulemaking, set forth at 1 Ill. Adm. Code 220.Exhibit B. This form is required by the Joint Committee on Administrative Rules (JCAR). While Section 102.121(c) also contains a requirement regarding an economic impact assessment which is no longer applicable, the portion referring to the JCAR form are still applicable, and the required information must be submitted.

Fourth, pursuant to 35 Ill. Adm. Code 102.121(g), the proponent is required to provide proof of service of the petition upon the Attorney General, the Illinois Environmental Protection Agency, and the Department of Energy and Natural Resources. Such proof of service has not been provided.

Petitioner is directed to cure the identified deficiencies within 45 days, or its petition will be subject to dismissal.

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 30<sup>th</sup> day of October, 1994, by a vote of 5-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board