

ILLINOIS POLLUTION CONTROL BOARD  
November 4, 1993

GENERAL CHEMICAL CORPORATION,	)	
(Chemical Manufacturing Plant),	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 93-178
	)	(Variance)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by M. Nardulli):

This matter comes before the Board on an "Amended Petition to Extend Variance" filed by General Chemical Corporation (GCC) on October 27, 1993. The amended petition was filed in response to the Board's October 7, 1993 order noting several deficiencies in the original petition. The amended petition seeks an extension to the variance granted to GCC's facility in Fairmont City, St. Clair County, Illinois on June 3, 1993, in PCB 92-217. In PCB 92-217, the Board granted GCC a variance from 35 Ill. Adm. Code 212.322(a) until December 1, 1993. GCC is seeking to extend the date of the variance until February 1, 1994.

GCC requests the incorporation of the entire record and the opinion and order of the Board in PCB 92-217. GCC also requests that the requirement of filing four copies of the documents for incorporation be waived due to the availability of the documents to the Board.

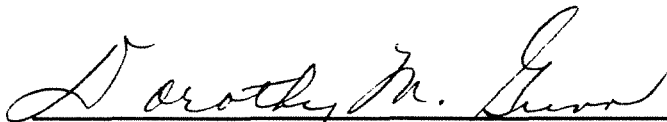
The Board will grant GCC's request to incorporate the record from PCB 92-217 and waive the filing requirements for incorporation of prior proceedings found in 35 Ill. Adm. Code 101.106. The filing requirements state that a separate written request for incorporation shall be made and that four copies of the material to be incorporated be submitted to the Board. The Board holds that the filing of documents in accordance with the procedural rules is critical to the Board's operation. However, the Board finds that the circumstances surrounding this petition favor the granting of an exception to the procedural rules. The Board finds that a waiver of the filing requirements is appropriate due to the volume of the prior proceeding, the short term of the extension requested, the relevance of the prior proceeding, the nature of the extension requested and the availability of the documents from the prior proceeding.

The filing of the amended petition restarted the Board's decision time clock for this variance. (35 Ill. Adm. Code 104.220.) GCC has waived its right to request a hearing in this

matter.<sup>1</sup> Therefore, the Board will await the recommendation from the Environmental Protection Agency (Agency) before proceeding on the petition for variance. The recommendation from the Agency is to be filed within 30 days of the filing of the amended petition. (35 Ill. Adm. Code 104.180.)

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 4th day of November, 1993, by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

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<sup>1</sup> Under the Clean Air Act (42 U.S.C. 7501 et. seq.) a State Implementation Plan (SIP) submittal, subject to reasonable notice and comment, is required for any variance from the applicable emissions in an non-attainment area. GCC is located in an attainment area and a SIP submittal is not required. Therefore, a hearing is not required for this variance extension. (See General Chemical Corp. v. IEPA (February 4, 1993), PCB 92-217.)