

ILLINOIS POLLUTION CONTROL BOARD  
February 7, 1991

IN THE MATTER OF: )  
)  
PM<sub>10</sub> EMISSION LIMITS FOR THE )  
PORTLAND CEMENT MANUFACTURING ) R91-6  
PLANT AND ASSOCIATED QUARRY ) (Rulemaking)  
OPERATIONS LOCATED SOUTH OF )  
THE ILLINOIS RIVER IN )  
LASALLE COUNTY, ILLINOIS. )

ORDER OF THE BOARD by (B. Forcade):

This matter comes before the Board on a regulatory proposal filed on January 10, 1991 by the Illinois Environmental Protection Agency ("Agency") concerning the PM<sub>10</sub> emission limits for a portland cement manufacturing plant and associated quarry operations located in LaSalle County, Illinois. The proposed regulations are applicable to a single facility owned and operated by Lone Star Industries in Oglesby, Illinois.

The Agency has certified that this proposal meets the definition of "required rule" in Section 28.2(a) of the Act, and that therefore this rulemaking is federally required. Section 28.2 was amended by P.A. 86-1409, effective January 1, 1991, and the Board is now required to accept or reject an Agency certification within 45 days. If the Board does not act within 45 days, the certification shall be deemed granted. Section 28.2(b) of the Act. The Board notes that this new statute conflicts somewhat with the Board's procedural rules governing Agency certifications (see 35 Ill. Adm. Code 102. Subpart F), finds that the new statutory provisions govern this proceeding. The Board hereby accepts the Agency's certification that this proposal is federally required, pursuant to Section 28.2 of the Act, as amended by P.A. 86-1409. The Board is also aware that federal deadlines for state action have been imposed, and the Board reiterates that all efforts will be made to expedite the rulemaking.

This matter is accepted for hearing. This order starts the timeclock for the Board's economic impact study (EcIS) determination deadline and for first notice publication pursuant to Sections 27 and 28.2 of the Act. See 35 Ill. Adm. Code 102.160(b).

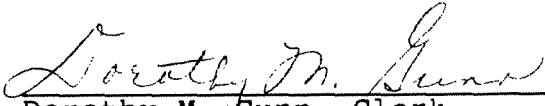
The Board will schedule the hearing as expeditiously as possible, consistent with the motions granted by the Board Order of January 24, 1991. The Board notes that the single affected facility expressed initial agreement with the Agency proposed regulations, and, therefore, the Board will allow participants to file additional material, if necessary, at the Board's hearing. The hearing will be followed by an appropriate period in which to file comments or briefs.

The Hearing Officer is hereby directed to contact the

participants to coordinate the scheduling of the hearing. The Board is required to publish notice at least 30 days prior to the scheduled hearing date.

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 7<sup>th</sup> day of February, 1991, by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board