

ILLINOIS POLLUTION CONTROL BOARD
July 13, 1988

IN THE MATTER OF:)
)
AMENDMENTS TO 35 Ill.)
ADM. CODE 214,) R86-30
SULFUR LIMITATIONS)

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on a July 8, 1988 motion for additional hearing and request for subpoena filed by Jefferson Smurfit Corporation (Smurfit). Both Shell Oil Company (Shell) and the Illinois Environmental Protection Agency (Agency), who are joint proponents in this matter, filed objections to Smurfit's motion on July 12, 1988.

Smurfit contends that a modeling study being done by PEI Associates for the United States Environmental Protection Agency (USEPA) may indicate that sulfur dioxide (SO₂) emissions from Shell's Wood River refinery, even as limited by the instant proposal, may cause violations of air quality standards in the Alton area. Smurfit states that it has been unable to obtain all the necessary information on the PEI study from USEPA through the Freedom of Information Act, and submits that the quickest way for the Board to obtain this information is to ask the Ohio State court to issue a subpoena for deposition to PEI, pursuant to the Uniform Foreign Depositions Act. In response, both Shell and the Agency point out that Smurfit was represented by counsel at the two merit hearings held in this matter; that Smurfit has misinterpreted the PEI report upon which this motion is based; and that there is no reason to delay this proceeding.

The Board agrees with Shell and the Agency that Smurfit's motion for additional hearing and request for subpoena should be denied. This motion comes at the end of an extended First Notice comment period. The issue of the federal approvability of the proposed regulations was fully discussed at the two merit hearings in this matter. The Board sees no reason to delay this proceeding. Therefore, Smurfit's motion is 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 13th day of July, 1988, by a vote of 7-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board