

ILLINOIS POLLUTION CONTROL BOARD

April 19, 1984

IN THE MATTER OF:)
)
PARTICULATE EMISSION STANDARDS FOR GRAIN) R82-20
HANDLING (35 Ill. Adm. Code 211.122 and)
212.461 - 212.463))


ORDER OF THE BOARD (by J. D. Dumelle):

On August 11, 1982 the Grain and Feed Association of Illinois petitioned the Board to amend Rules 201 and 203(d)(8) of Chapter 2 (now codified as 35 Ill. Adm. Code 211.122 and 212.461-212.463) as they apply to particulate emissions from grain handling operations. Following numerous attempts to schedule hearings, the initial merit hearing was not held until July 27, 1983 due to the Association's reluctance to proceed. At the close of that hearing, the Association indicated that it could be prepared for a second hearing by late October of 1983 and that a firm date could be settled upon during the first few weeks of August, 1983. On August 25, 1983 the Association asked that the second hearing be delayed until December, 1983. On January 18, 1984 the Association requested that hearings be delayed for another month. To date, though the Board has on several occasions attempted to schedule additional hearings, the Association has been reluctant to proceed. As a result, this matter has been pending over 18 months and only one hearing has been held.

The Association has represented to the hearing officer that difficulties have arisen with respect to modeling and developing an amended proposal. The proposed federal respirable particle standard may also impact the proposal. These may well be valid reasons for delaying the proceeding. However, the record is clear that, regardless of the reasons, the Association has been, and is, unwilling to proceed expeditiously. When the Board accepts a regulatory petition and authorizes hearings, it presumes that the proponent is prepared to proceed. That is certainly not the case here. The Board, therefore, hereby dismisses this proceeding with leave for the Association to refile when, and if, it is prepared to proceed expeditiously.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 14th day of April, 1984 by a vote of 6-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board