ILLINOIS POLLUTION CONTROL BOARD April 8, 1976

THE SHERWIN-WILLIAMS COMPANY,)
Petitioner,)
v.)) PCB 75-268)
ENVIRONMENTAL PROTECTION AGENCY,))
Respondent.)

ORDER OF THE BOARD (by Mr. Dumelle):

On December 18, 1975 the Board issued its Opinion and Order in the above-captioned matter. On January 21, 1976 Petitioner Sherwin-Williams Company (Sherwin-Williams) filed before the Board a motion to reconsider and to reverse that decision or remand the matter for further hearings. On February 2, 1976 the Environmental Protection Agency (Agency) filed a response to Sherwin-Williams' motion, a motion to dismiss that motion, and a motion to reconsider that part of the Board's December 18, 1975 Opinion and Order which concerns Rule 205(f) of the Board's Air Regulations. On February 2, 1976 Sherwin-Williams filed a reply to the Agency's response.

IT IS THE ORDER OF THE BOARD THAT:

- 1. Petitioner Sherwin-Williams Company's motion to reconsider is hereby denied.
- 2. The Board hereby grants Respondent Environmental Protection Agency's motion to reconsider. The Board hereby deletes that portion of paragraph 3 on page 3 of the Opinion and Order as is indicated as follows:

Petitioner also argues that it is governed by Rule 205(f) rather than Rule 205(g)(1)(C).

Rule-205(f)-regulates-emissions-or-"organie material"-which-is-defined-in-Rule-201-as "Any-chemical-compound-of-carbon-...usedas-dissolvers,-viscosity-reducers-or eleaning-agents"---Further,-it-is-clearly shown-at-page-41-of-R71-23-that-the-Board intended-this-Rule-to-apply-to-solvents or-carriers,-as-opposed-to-situations like-the-present-where-the-petrochemical is-actually-the-basic-feedstock-in the-manufacturing-process. The deleted portion of paragraph 3 on page 3 of the Opinion and Order is replaced so that the entire paragraph shall read as follows:

Petitioner also argues that it is governed by Rule 205(f) rather than Rule 205(g)(1)(C). Rule 205(f) is material to this proceeding only to the extent that Petitioner can show that its application would prevent the application of Rule 205(q)(1)(C). However, Petitioner fails to show that Rule 205(f) is more directly applicable to its process or that it would not apply concurrently in any regard. As both of these rules could apply to the same process, the Board need not rule on the applicability of Rule 205(f). Please note that these two rules are not redundant. Rule 205(f) is expressed in terms of total weight while Rule 205(q)(1)(C) is expressed as a concentration.

Mr. Goodman abstains.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 8^{-7} day of April, 1976 by a vote of 4^{-0} .

Christan L. Moffet

Illinois Pollution Control Board