

ILLINOIS POLLUTION CONTROL BOARD
March 25, 1976

APECO CORPORATION,)
)
Petitioner,)
)
v.) PCB 75-329
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by Mr. Zeitlin):

On March 8, 1976 the Environmental Protection Agency (Agency) filed a Motion to Reconsider the Board's final Opinion and Order in this matter which was entered on February 26, 1976. Apeco responded to the Agency's Motion on March 18, 1976.

The Agency's Motion asks that we reverse our finding with regard to the application of the hydrocarbon limitations of Rule 205(f) of Chapter 2: Air Pollution. The essence of our finding there was that the exemption of Rule 205(f)(2)(D) applied, in the absence of an odor problem, to a reduction of "photochemically reactive" hydrocarbons, rather than to "total hydrocarbons." We decline to reverse that finding.

The Agency's Motion contains no information that was not considered in the principal Opinion and Order of February 26, 1976. The Agency's Motion misconstrues our findings as an "amendment" of Rule 205(f); those findings were in fact an interpretation of the existing Rule, well within our authority under the Act.

While we sympathize with the Agency's concern with the result of this interpretation of Rule 205(f), we find that we must stand by what we determine to be the plain meaning of that Rule. The Agency's Motion is denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 25th day of March, 1976, by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board