

ILLINOIS POLLUTION CONTROL BOARD
May 14, 1987

IN THE MATTER OF:)
)
PROPOSED SITE-SPECIFIC) R87-12
PARTICULATE LIMITATIONS)
FOR SCHROCK'S SAWDUST)
FIRED BOILERS IN ARTHUR,)
ILLINOIS)

ORDER OF THE BOARD (by R.C. Flemal):

This matter comes before the Board upon the April 30, 1987, motion of the Illinois Environmental Protection Agency ("Agency") to incorporate record and determine that another hearing is unnecessary. Schrock/A Division of White Industries ("Schrock") responded to this motion on May 8, 1987.

The Agency, through its motion, seeks to incorporate the transcript of and exhibits from the January 22, 1987, hearing held in PCB 86-205, a variance proceeding involving the same facility which is the subject of this matter. The Agency also suggests that incorporating these materials will obviate the need for a hearing in this matter, and therefore seeks a Board determination that hearing in this proceeding may be dispensed with.

The Board concludes that it must deny the Agency's motion in part. A hearing must be held in this proceeding because the Board cannot be assured, even though the Agency apparently is, that "at the variance hearing Schrock put into evidence everything it will put into evidence in support of its petition for a site-specific rule". The showing which must be made by a petitioner in a variance proceeding differs from that which is required of a proponent in a rulemaking. The Board cannot assume that Schrock would not, if given the opportunity, submit additional material going to the merits of its rulemaking proposal.

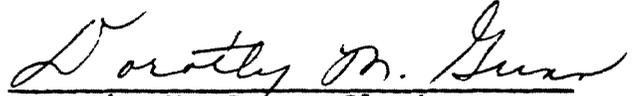
However, inasmuch as this matter is closely related to PCB 86-205, the Board finds it reasonable to incorporate the record of that case into this proceeding and hereby does so.

Finally, the Board notes that in order to minimize expenses for all parties involved, it will attempt to schedule the hearing in this matter and the upcoming hearing in PCB 86-205 such that they will occur on the same day at the same location. The Board would appreciate the cooperation of Schrock and the Agency in achieving this goal.

IT IS SO ORDERED.

Board Member Jacob D. Dumelle dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 14th day of May, 1987, by a vote of 5-1.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board