

ILLINOIS POLLUTION CONTROL BOARD
May 11, 1989

IN THE MATTER OF:)
)
ELIZABETH STREET FOUNDRY, INC.,) R89-6

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

This matter comes before the Board upon an April 28, 1989, filing by Elizabeth Street Foundry, Inc. (Petitioner) of a Petition for Site-Specific Rule Change. For the reasons set forth below, this petition is deficient.

First, the Petitioner is directed to Section 27(a) of the Environmental Protection Act (Act), for the requirements of a proposal for rulemaking. This Section requires:

Any person filing with the Board a written proposal for the adoption, amendment or repeal of regulations shall provide information supporting the requested change, as well as a recommendation of whether an economic impact study is advisable, and shall at the same time file a copy of such proposal with the Agency and the Department. To aid the Board in determining whether an economic impact study is needed and to assist the public in determining which facilities will be impacted, the person filing a proposal shall describe, to the extent reasonably practicable, the universe of affected sources and facilities and the economic impact of the proposed rule.

Also, Section 28 requires that a proposal such as this be accompanied by a petition signed by at least 200 persons (or a motion to waive this requirement). Until these requirements are fulfilled, the Board is unable to proceed on the proposal. If an amended petition is not filed within 45 days of the date of this Order this petition will be subject to dismissal.

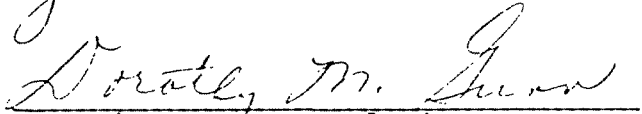
Second, the proponent appears to be seeking a rule change contingent upon the Board denying relief to the Foundry in another proceeding, PCB 86-161. The Board does not favor the progress of one proceeding being contingent upon the resolution of another proceeding. When a proposal is filed, the proponent must be prepared to proceed; if not, the proposal will be subject to dismissal.

Finally, based on the nature of the relief requested, the Board notes that the Petitioner may wish to consider utilizing

the new adjusted standard process set forth in Section 28.1 of the Act.

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 11th day of May, 1989 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board