

ILLINOIS POLLUTION CONTROL BOARD
December 4, 1997

IN THE MATTER OF:)
)
PETITION OF W.R. GRACE & COMPANY) R98-16
- CONNECTICUT , AND THE ILLINOIS) (Rulemaking - Air)
ENVIRONMENTAL PROTECTION)
AGENCY FOR SITE-SPECIFIC AIR)
REGULATION: 35 ILL. ADM. CODE)
218.940(h))

ORDER OF THE BOARD (by J. Yi):

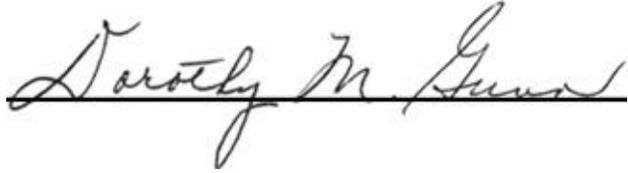
On November 19, 1997, W.R. Grace & Company - Connecticut (Grace) and the Illinois Environmental Protection Agency (Agency) filed a joint proposal for site-specific rulemaking. Grace operates a factory located at 6050 West 51st Street, Chicago, Cook County, Illinois (Facility). The facility manufactures sealants, lubricant fluids, and concrete additives. Grace operates this facility pursuant to air operating permit number 031821ABD, issued by the Agency on September 27, 1995. The Board granted Grace a variance in 1995; see W.R. Grace & Co. - Conn. v. IEPA (March 16, 1985), PCB 94-328. On February 6, 1997, the Board extended that part of the variance regarding emission control requirements under 35 Ill. Adm. Code 218, Subpart QQ, until May 15, 1998. W.R. Grace & Co. - Conn. v. IEPA (February 6, 1997), PCB 96-193. The instant petition proposes a site-specific air regulation for the facility be added to Subpart QQ of 35 Ill. Adm. Code 218 at Section 218.940(h). The petition meets the information requirements of 35 Ill. Adm. Code 102.121 and 102.141 and is accepted for hearing.

The proponents filed a motion for expedited review with the petition. The motion requests that the Board schedule a hearing in this matter to occur during the week of January 5, 1998. The motion also requests that the Board send this proposed rulemaking to first notice, without reaching a decision on the merits, at its December 4, 1997, meeting. The parties note that this rulemaking will not be effective until adopted by the Secretary of State, and that the variance will expire on May 15, 1998. The parties correctly recite the time requirements inherent in the rulemaking process, and state that witness availability and scheduling issues exist because of the upcoming holidays.

The Board grants the motion for expedited review in part. A hearing is currently being scheduled for the week of January 5, 1998. Details concerning the date, time, and place will be provided in a notice of hearing when finalized. The Board will not, however, issue a first notice order today, but will consider doing so at its meeting on December 18, 1997; this will give the Board time to gain familiarity with the issues raised in the petition.

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 4th day of December 1997, by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board