

ILLINOIS POLLUTION CONTROL BOARD
December 13, 1979

IN THE MATTER OF:)
)
SULFUR DIOXIDE AND PARTICULATE) R71-23, R77-15,
) R78-14, R78-15,
REGULATIONS, RULES 204(c)(1)(A),) R78-16, R78-17
204(c)(1)(D) AND 203(g)(1) OF)
CHAPTER 2)

ORDER OF THE BOARD (by Mr. Goodman):

It is the Order of the Board that special notice issue regarding the above regulatory matters.

These proposals were consolidated because they involve overlapping issues. R77-15 involves sulfur dioxide emissions from smaller fuel combustion sources in the Peoria MMA; R78-15 involves an amendment to the particulate emissions standard in Rule 203(g)(1) which would be applicable only to the City of Rochelle's Municipal Steam Power Plant; R78-14 is a reevaluation of the sulfur dioxide emissions standards in vacated Rule 204(c)(1)(A) which were originally adopted in R71-23 and later remanded to the Board; R78-16 is a reevaluation of the particulate emissions standard in vacated Rule 203(g)(1) which was originally adopted in R71-23 and later remanded to the Board; and R78-17 involves the deletion of Rule 204(c)(1)(D) (designated Rule 204(c)(1) (B)(ii) prior to the adoption of R75-5).

In 1976 the Illinois Supreme Court vacated and remanded Rules 203(g)(1), 204(a)(1), and 204(c)(1)(A) to the Board for further consideration. Commonwealth Edison Company v. PCB, 62 Ill.2d 494. These rules were revalidated by the Board on July 7, 1977. In 1978 the Third District Appellate Court vacated and remanded to the Board these rules because an economic impact study of these regulations had not been prepared for the Board by the Illinois Institute of Natural Resources (then the Illinois Institute for Environmental Quality) and because the Board had not considered intermittent control systems, which have since been outlawed by the 1977 Clean Air Act Amendments. Ashland Chemical Co. v. PCB, 64 Ill.App.3d 169. In November, 1979, the Illinois Supreme Court dismissed the Board's appeal in Illinois State Chamber of Commerce, et al. v. PCB, thereby leaving the Ashland decision in effect. Docket No. 51671, Agenda 45.

ORDER

The Board hereby orders the following notice to be published in the next Environmental Register and in a newspaper in both Chicago and in Peoria, and that the same be mailed to proponents of the above regulations and to those on the Board's notice list for the above regulations.

SULFUR DIOXIDE AND PARTICULATE REGULATIONS, Rules 204(c)(1)(A), 204(c)(1)(D) and 203(g)(1) of Chapter 2, Docket Nos. R77-15, R78-14, R78-15, R78-16, R78-17 and pertinent parts of R71-23 - HEARINGS

Economic impact hearings regarding the INR study entitled, "Economic Impact of Sulfur Dioxide and Particulate Matter Regulations in Illinois, R77-15", Document No. 79/22 dated October, 1979, filed with the Board on November 8, 1979, have been set for January 29 and 30, 1980. The document is intended by the INR and the contractor to cover PCB regulatory proposals R77-15, R78-14, R78-15, R78-16, R78-17. Proposals R78-14 and R78-16 were inaugurated to reevaluate certain rules first promulgated in R71-23 and remanded to the Board in 1978 by the Third District Appellate Court decision, Ashland Chemical Co. v. PCB, 64 Ill.App.3d 169. See, also, Illinois State Chamber of Commerce, et al. v. PCB, Docket No. 51671, Agenda 45, May, 1979, entered November, 1979. These rules regulate SO₂ emissions (Rules 204(a)(1), and 204(c)(1)(A)) and particulate emissions (Rule 203(g)(1)).

The purpose of these hearings is to provide the Board with a basis for either revalidating or substituting new rules for the rules involved in the Ashland case (R78-14 and R78-16) and with a basis for initial decision in the proposals R77-15, R78-15 and R78-17. The hearings scheduled for January 29 and 30, 1980 are intended to fulfill these requirements by allowing all parties and all other interested participants to submit relevant substantive and economic evidence of both the merits and the economic impacts of all regulations involved. The Board notes that hearings previously held in proposals R77-15, R78-14, R78-15, R78-16, and R78-17 were the merit hearings for those proposals, and were not the economic impact hearings under its Procedural Rule 215. Such economic impact hearings have been scheduled as mentioned above, notice of same having issued on November 27, 1979 as required by Procedural Rule 205.

Hearings will begin at 10:00 a.m. and will be held on Tuesday, January 29, 1980 at the University of Illinois' Chicago Circle Center, 750 South Halsted Street, Chicago; and on Wednesday, November 30, 1980 at the Peoria Public Library Auditorium, 107 N.E. Monroe Street, Peoria.

Cross-examination of the contractor shall proceed in this order: (1) Illinois Environmental Protection Agency; (2) Ashland Chemical Company; (3) Bemis Corporation; (4) City of Rochelle; (5) Borden Chemical Company; (6) Village of Winnetka; (7) Commonwealth Edison Company; (8) Illinois State Chamber of Commerce; (9) other interested participants.

Should further hearing be necessary, the dates of Wednesday, February 13, 1980 and Thursday, February 14, 1980 have been reserved at the Board's conference room, Suite 300, 309 West Washington Street, Chicago.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 13th day of December, 1979 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board