

ILLINOIS POLLUTION CONTROL BOARD
February 4, 1993

GENERAL CHEMICAL CORPORATION,)
(Chemical Manufacturing Plant),)
)
Petitioner,)
)
v.) PCB 92-217
) (Variance)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by B. Forcade):

On January 22, 1993, the Illinois Environmental Protection Agency (Agency) filed a Motion to Reconsider Board Order. On January 29, 1993, the Agency filed a Motion to Extend Time to File Response.

The Agency requests an extension of 45 days in which to file the Agency's response to petitioner's request for variance. The additional time is required to ensure a thorough and complete review of the issues raised by the petition. The Agency notes that General Chemical Corporation (General Chemical) has filed a waiver of the decision deadline and does not object to allowing the Agency until March 18, 1993 to file its recommendation. The Board grants the Agency's motion for a 45 day extension in which to file its response to the variance.

In the motion to reconsider, the Agency seeks reconsideration of the Board order denying General Chemical's waiver of hearing. The Board, in its January 7, 1993 order, declined to accept the waiver of hearing, stating that a hearing is required for an air variance and cannot be waived.

The Agency argues that 35 Ill. Adm. Code 104 provides that the petitioner may waive a hearing for a variance request providing that no objection to the variance is filed within 21 days and the petition is not a RCRA variance. The Agency notes that this is not a RCRA variance and no objection has been filed. The Agency notes that under the Clean Air Act (42 U.S.C 7501 et. seq.) a State Implementation Plan (SIP) submittal, subject to reasonable notice and comment, is required for any variance from the applicable emissions in a nonattainment area. Therefore, the Agency maintains that a petitioner may not waive hearing if a SIP submittal is required. The Agency contends that no SIP submittal is required if this variance is granted because the facility is not located in a nonattainment area.

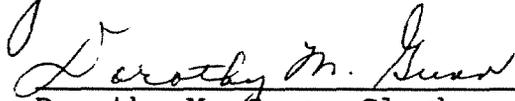
Upon reconsideration, the Board rescinds its order of January 7, 1993 and accepts the waiver of the hearing requirement

0139-0095

in this matter. The Board will wait for the filing of the Agency response before proceeding in this matter.

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 February, 1993, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

0139-0096