

ILLINOIS POLLUTION CONTROL BOARD
January 19, 1989

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R88-28
211 AND 243, AIR QUALITY STANDARDS)
AND MEASUREMENT METHODS FOR PM₁₀)

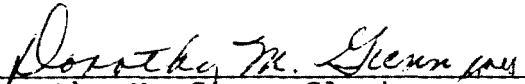
ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon a January 18, 1989 Motion to Dismiss filed by the Illinois Environmental Protection Agency (Agency). Subsequent to the filing of the proposal on October 20, 1988, the Agency learned that petitions for judicial review of the United States Environmental Protection Agency's (USEPA) revised standards and related regulations are pending before the United States Court of Appeals for the District of Columbia. The Agency believes that continuing this rulemaking proceeding while the Agency reviews the actions and documentation of that appeal would waste both Board and Agency resources and would complicate that record to no justifiable purpose. The Agency therefore, moves the Board to dismiss this matter. The Board appreciates the Agency's concerns and grants the Agency's motion. This matter is dismissed.

The Board notes, however that on December 23, 1988, the Peabody Holding Company, Inc., and Peabody Coal Company (Peabody) filed testimony to be presented at hearing. When this PM₁₀ proposal is again submitted to the Board and a new docket given thereto, Peabody is free to incorporate the materials already submitted in R88-28 into the new docket number.

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 19th day of JANUARY, 1989 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board