

ILLINOIS POLLUTION CONTROL BOARD
July 13, 1988

IN THE MATTER OF:)
)
PARTICULATE EMISSION LIMITATIONS,) R82-1 (Docket B)
RULE 203(g)(1) AND 202(b) OF)
CHAPTER 2)

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

This matter comes before the Board upon a June 29, 1988 Motion For Reconsideration filed by the Illinois Environmental Regulatory Group (IERG). The Illinois Environmental Protection Agency (Agency) filed its Motion In Opposition To Reconsideration of the Opacity Regulations on July 8, 1988. For the reasons set forth below, IERG's Motion To Reconsider is denied.

First, IERG acknowledges that it is late in the proceeding to request special consideration. However, IERG believes the Board should be "advised of the full, and possibly unconsidered, impact of this regulation." The Board notes that the time to advise the Board of the impact of a proposed regulation is during the 45-day comment period after First Notice (i.e. in this case January 16, 1988 through March 2, 1988), not one day before Final Adoption.

Second, IERG's Motion attempts to present new information with respect to National Ambient Air Quality Standards (NAAQS) for Total Suspended Particulates (TSP) and for particles with an aerodynamic diameter less than or equal to 10 micrometers (PM-10). Based on this new information, IERG moves the Board "to re-examine the actual need for an opacity rule, its method of implementation and its impact" in light of USEPA's action "replacing the TSP standard with the PM-10 standard." The Agency argues that IERG's Motion presents no new information concerning opacity, the appropriate issue in this proceeding, that could not have been presented in the first notice comment period. Further, the Agency states that:

"[o]pacity regulations are needed for a federally approvable Total Suspended Particulates (TSP) State Implementation Plan (SIP). The TSP SIP is needed for a viable PM-10 SIP. Therefore, the opacity regulations are essential for a federally approvable PM-10 SIP. The record contains no convincing information or arguments that opacity is a poor surrogate for PM-10."

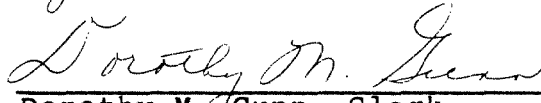
The Board will neither accept nor consider this new information as part of the record in this proceeding at this late date.

Finally, IERG comments that another Board rulemaking (R87-38) will have an impact on the effect of these rules. Although IERG states that it intends to file similar comments in that rulemaking proceeding, it provides information relating to the impact R87-38 will have on these rules to support its Motion For Reconsideration. The Agency states that IERG, as well as any other affected entity, could have provided comments and information on any of these issues in that proceeding. The Agency believes that IERG's Motion is an improper attempt to introduce continuous self-monitoring issues into another regulatory proceeding, which could only serve to needlessly delay the opacity rule and further complicate R87-38. The Board finds this new information not only too late to be submitted into this record, but also better suited for consideration in R87-38.

IERG's Motion For Reconsideration is therefore denied.

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 13th day of July, 1988 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board