

ILLINOIS POLLUTION CONTROL BOARD
December 18, 1986

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO) R86-51
35 ILL. ADM. CODE 215.204,)
EMISSION LIMITATIONS FOR)
MANUFACTURING PLANTS)

ORDER OF THE BOARD (by R.C. Flemal):

This matter comes before the Board upon a motion to consolidate filed by the General Motors Corporation, Electro-Motive Division ("EMD") on December 8, 1986. On that date, EMD also filed what it refers to as a proposal for site-specific exception for its LaGrange, Illinois facility (In the Matter of Proposed Amendment to 35 Ill. Adm. Code 215.204, Emission Limitations for Manufacturing Plants). Both of the documents filed on December 8, 1986 were filed under the R86-51 docket number. EMD seeks to consolidate its site-specific proposal of R86-51 with the R86-36 general rulemaking proceeding (In the Matter of Proposed Amendments to 35 Ill. Adm. Code 215.204, Heavy Duty Off-Highway Vehicles). EMD contends that since the substance of its site-specific proposal is related to that of the R86-36 proceeding, consolidation should occur in order to allow for the "convenient, expeditious, and complete determination of all claims".

The Board might have concurred with such reasoning, but finds it cannot do so in this instance because the proposal filed in R86-51 is not one of only site-specific applicability.

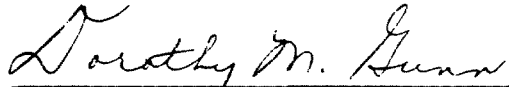
As written, the proposal is of general (i.e. statewide) applicability. EMD's proposed amendment does not make reference to the LaGrange facility specifically, but rather proposes to establish separate emissions limitations for the category of Diesel-Electric Locomotive Manufacturing Plants. This distinction is critical. Even though EMD asserts that it is the sole original equipment manufacturer of locomotives in the State, the levels of emissions proposed by EMD would also be applicable to Illinois manufacturers of such equipment (if any) if the EMD proposal was to be adopted in its present form.

The Board believes that the EMD proposal can be most reasonably construed as a proposed amendment to the Illinois Environmental Protection Agency's September 2, 1986 proposal which opened the R86-36 docket. The Board will therefore consider EMD's proposed amendment within the context of the R86-36 proceeding. EMD may make the case for its proposed amendment at the next hearing held in the R86-36 docket. The Board believes that this outcome will allow for the "convenient, expeditious, and complete determination of all claims".

With this action docket R86-51 is closed. EMD is directed to file any additional items in this matter in the R85-36 docket.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above and Order was adopted on the 18th day of December, 1985, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board