

ILLINOIS POLLUTION CONTROL BOARD
December 3, 1987

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R86-10
211 & 215 ORGANIC MATERIAL EMISSION)
STANDARDS AND LIMITATIONS FOR)
SYNTHESIZED PHARMACEUTICAL)
MANUFACTURING PLANTS.)

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

This matter arises on the Board's own motion in regard to the expiration of the comment period in Board proceeding R86-10: Organic Material Emission Standards and Limitations for Pharmaceutical Manufacturing Plants. The Board has been advised by the Hearing Officer that the Illinois Environmental Protection Agency (Agency) may include certain revisions to its fifth amended proposal in its final comments. Abbott Laboratories, one of the participants, orally requested the Hearing Officer to grant an extension of the comment period to allow Abbott to respond to the Agency suggested revisions. The Hearing Officer orally denied Abbott's request, then upon reconsideration referred the matter to the Board.

Due to the exigencies of time and the potential impact of new information submitted at the close of the comment period, the Board would prefer to allow the participants an opportunity for response limited to the effect of the new information on the existing record. The Board believes that this approach not only protects the public's right to comment but also promotes a more complete record, which is the foundation for a well-considered decision. Therefore, the Board will allow the participants to respond to new information, i.e. information not previously submitted into the record, for the limited purpose of responding only to the new information.


With respect to the facts presented in this proceeding, if indeed the Agency comments include revisions to its fifth amended proposal, then Abbott shall be granted until December 11, 1987 to file a response to those revisions. Likewise, if Abbott's comments include new information, then the Agency shall be granted until December 11, 1987, to file a response to that new information. The Board cautions, however, that only direct response to new information will be accepted for inclusion into the record. No new information outside the scope of this Order will be admitted into the record during the "response period" under any circumstance.

In furtherance of the above-noted directive, participants shall include as part of the response an affidavit, signed by the attorney of record for the submitting participant, that the response is made pursuant to new information and that only responsive information, and no new information outside the scope of this Order, is being submitted.

Finally, to insure adequate time for preparation of response, each participant shall submit its response to the Board and to all other participants of record via overnite mail.

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 3rd day of December, 1987 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board