

ILLINOIS POLLUTION CONTROL BOARD  
October 19, 1983

OLIN CORPORATION, )  
Joliet Plant )  
 )  
Petitioner, )  
 )  
v. ) PCB 83-46  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY. )  
 )  
Respondent. )

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

On September 21, 1983 Olin Corporation (Olin) filed a motion for clarification of the Board's August 18, 1983 Interim Order in this matter. The motion is granted.

Olin requests clarification of the Board's Order for additional information on "calculated maximum ground level concentrations" of SO<sub>2</sub>. Olin submits that the record clearly reflects that none of 156 receptors analyzed exceed the regulatory standard of 80% of the NAAQS(s). While this tells the Board what the ground level concentrations do not exceed, it does not tell the Board the specific calculated maxima and related data, as required by 35 Ill. Adm. Code 106.302(g) & (h). A simple statement that the maximum calculated ground level concentration for 3-hours (24-hours, annual) is X ug/m<sup>3</sup> at (location) with an expected duration of Y hours and frequency of Z times per year would be adequate to fulfill the August 18th Order, if coupled with information on the characteristics and probable time of occurrence of the relevant meteorological conditions. If this information is not readily available Olin should so inform the Board and explain why.

Olin's second clarification request concerns PSD information. Section 106.302(g)(s) requires petitioners to address PSD available air increments. A statement of air quality increments applicable in the areas impacted by the source, and the incremental increase that would be added by the source, is adequate. This information provides the Board with additional insight on the type of impact expected and it must be provided whether or not the PSD provisions are legally binding on the petitioner.

Section 106.302 lists the information required in a petition. These specific items cannot be omitted based on conclusions that the petitioner will not violate ultimate standards or that certain provisions do not legally bind petitioners activities. A statement that such information could not be reasonably secured would be evaluated by the Board. Since Olin has made no such claim, the Board expects this information to be clearly delineated in the petition or in the record.

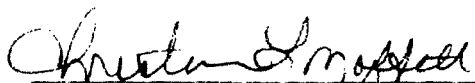
Olin's last clarification request concerns Dr. Sievering's study and potential testimony at a future hearing; in effect Olin urges the Board to reverse its decision on this issue. In establishing the procedural rules for exemption proceedings the Board must provide public participation equivalent to rulemaking. 35 Ill. Admin. Code Part 102, Subpart D. In effect the Board is establishing a SIP revision for submission to the U. S. Environmental Protection Agency. The Board has provided for such public participation (cf. R75-5 Opinion at page 18, February 15, 1979; R80-22. Opinion at page 13. February 24, 1983; PCB 83-46, Order at page 1, June 16, 1983). Dr. Sievering's public comment was not included in the record because of an erroneous ruling by the Hearing Officer and oversight by the Board in the confusion surrounding a move of office locations. In the August 18, 1983 Interim Order the Board corrected that error.

The Board has ordered that Dr. Sievering be given a reasonable opportunity to testify at a hearing pursuant to 35 Ill. Admin. Code Part 102, Subpart D, nothing more and nothing less. Contrary to Olin's assertions the Board has never "persist[ed] in requiring Olin to address the Sievering study". Nor did the Board imply that Olin has a higher burden of proof than other sources in the state. However, Olin may not use the regulatory aspects of adjudicatory proceedings to exclude public comments or testimony that would be properly included in a rulemaking record.

Olin's CASAC report and U.S. Environmental Protection Agency letter are included in the record in this matter.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 14<sup>th</sup> day of October, 1983 by a vote of 5-0.

  
 Christan L. Moffett, Clerk  
 Illinois Pollution Control Board