ILLINOIS POLLUTION CONTROL BOARD
March 3, 1994

IN THE MATTER OF:	)	
	)	
PETITION OF ABBOTT LABORATORIES	)	
FOR AN ADJUSTED STANDARD FROM	)	
35 ILL. ADM. CODE 218 SUBPART RR	)	AS 94-5
	)	(Adjusted Standard)

ORDER OF THE BOARD (By C.A. Manning):

On February 14, 1994, Abbott Laboratories (Abbott) filed a petition for adjusted standard regarding its pharmaceutical facilities, located in Lake County, Illinois. Abbott is requesting an adjusted standard from the 35 Ill. Adm. Code 218 Subpart RR as it applies to the emissions of Volatile Organic Materials (VOM) from both its facilities located five (5) miles apart in Lake County. One facility is located in the City of North Chicago and the other is located in Libertyville Township in an unincorporated area. The Board received the required notice of publication on February 25, 1994.[1]

The Board finds that Abbott's petition, as presently before us, does not yet meet the requirements of 35 Ill. Adm. Code 106 and Section 28.1 of the Act (415 ILCS 5/28.1 (1992).) Specifically the petition does not address Section 28.1(c) of the Act which requires a petitioner for an adjusted standard to provide information as to why the requested standard will not result in environmental or health effects substantially and significantly more adverse than the effects considered by the Board in adopting the rule of general applicability. Abbott states that there will be no adverse environmental impacts and that the reasonably available control technology (RACT) that would apply to their production of Gibberellin were deemed appropriate and protective of the environment by the Agency, the U.S. EPA and this Board in R86-10, as amended by R88-14. Although the RACT that would applied to Abbott if the adjusted standard is adopted has been deemed appropriate for Abbott's pharmaceutical processes, this adjusted standard is being requested for the RACT regulations pertaining to the Miscellaneous Organic Chemical Manufacturing Processes (MOCM) for the manufacturing of Gibberellin and all other non-pharmaceutical chemicals. Abbott should explain why the RACT that has been deemed appropriate for Pharmaceutical processes appropriate for MOCM processes.

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[1] Section 28.1 of the Environmental Protection Act (Act) requires petitioners to file, within 14 days of the filing the petition for adjusted standard, proof of publication of the notice that petitioner has filed with the Board a petition seeking an adjusted standard. (415 ILCS 5/28.1(1) (1992).)

In addition, 35 Ill. Adm. Code 106.705 requires the petitioner to provide certain information in the petition to the Board. The Board finds that the petition lacks sufficient information concerning the environmental impacts of the adjusted standard as compared to compliance with the general rule of applicability and information concerning alternative control methods. In particular the petition does not meet the requirements of 35 Ill. Adm. Code 106.705(e) which requires a description of the efforts which would be necessary if the petitioner were to comply with the regulation f general applicability and all cost associated with the compliance efforts. Abbott states the cost would be enormous and that the costs associated would be needless and wasteful expenditures of funds, but never states what those costs are or any of the compliance alternatives evaluated. Abbott is also required to provide a description of the efforts necessary to achieve the proposed adjusted standard and the corresponding costs. (35 Ill. Adm. Code 106.705(f).) Additionally, 35 Ill. Adm. Code 106.705(g) require Abbott to state the quantitative and qualitative impact on the environment if petitioner were to comply with the regulation of general applicability as compared to the quantitative and qualitative impact on the environment if the petitioner were to comply only with the proposed adjusted standard. As stated above, Abbott states that there is no environmental impact and that applicable RACT were deemed appropriate. Abbott should describe the qualitative and quantitative differences, between manufacturing gibberellin and other miscellaneous non-pharmaceutical chemicals under proposed adjusted standard instead of 35 Ill. Adm. Code 218 Subpart RR in terms of (1) air emissions, (2) general air quality impact (3) contribution to ozone precursor inventory and VOM inventory in the non-attainment area, (4) solid waste generation (5) energy consumption, and (6) other qualitative impacts. Such description should be supported by relevant data.

The Board at this time accepts Abbott's petition for adjusted standard relief, but directs petitioner to file an amended petition on or before April 15, 1994, addressing the above issues. Failure to file an amended petition by this date will subject this matter to dismissal. Abbott has requested a hearing in this matter and upon its filing of an amended petition which provides the further requested information this matter will be set for hearing.

On February 28, 1994, the Agency filed a motion for an extension of time until April 29, 1994, to file its response to the adjusted standard petition. The Agency states that the petitioner does not object to the requested extension of time. The Board denies the Agency's motion as being unnecessary at this time since the Agency need not respond until thirty (30) days after the filing of the amended petition which is the subject of this order.

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 March, 1994, by a vote of 6-0.

Dorothy M. Gunn

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board