

ILLINOIS POLLUTION CONTROL BOARD
April 22, 1993

GENERAL CHEMICAL CORPORATION,)
(Chemical Manufacturing Plant),)
)
Petitioner,)
)
v.) PCB 92-217
) (Variance)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by B. Forcade):

This matter comes before the Board on a motion for reconsideration filed by General Chemical Corporation (GCC) on April 16, 1993. The motion seeks reconsideration of the Board's April 8, 1993 order which granted GCC a variance subject to certain conditions.

The variance petition was filed on December 31, 1992. No hearing was held on this matter. The Environmental Protection Agency (Agency) filed its recommendation with the Board on March 18, 1993. The Agency recommended that the variance be granted subject to certain conditions. The Board, on April 8, 1993, granted the variance subject to the conditions recommended by the Agency. On April 9, 1993, GCC filed its answer to the Agency's recommendation.

A response to an Agency recommendation is to be filed within 7 days after receipt of the recommendation. (35 Ill. Adm. Code 104.182.) GCC's response was filed 22 days after the recommendation. GCC did not request an extension of time in which to file a response or indicate to the Board why the response was not filed within the required time period. The Board finds that GCC's response was not timely filed. The Board further notes that GCC's response was filed after the Board had granted the variance.

In its motion for reconsideration, GCC references its response to the recommendation. GCC represents that the Agency has advised it that the Agency does not object to GCC's response or to changes in the dates in the completion of the construction schedule. The Agency has not filed a response to the motion for reconsideration. However, the Board notes that the time for the Agency to file its response has not yet lapsed because 35 Ill. Adm. Code 101.246 allows for the filing of a response within 14 days of the filing of the motion for reconsideration.

The motion for reconsideration requests the Board to reconsider its prior order and to reopen this proceeding to allow

0141-0237

the adoption of the new construction schedule and provide an opportunity for the Agency to comment on GCC's response to the recommendation.

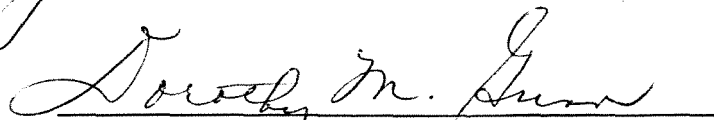
GCC's motion provides only a general reference to the April 9, Answer (that filing is nearly 2 inches thick) and alludes, without specificity, to certain minor changes in the construction schedule. The motion provides no reason for adoption of the changes. GCC attempts to place the burden on the Board of searching this voluminous filing to determine where it differs from the Board's order and to determine what factual matters support GCC's alternate construction schedule. The Board will not search the record to support GCC's contentions. (Concerned Citizens of Williamson County v. Bill Kibler Development (April 8, 1993), PCB 92-204.)

The Board denies the motion for reconsideration. The motion for reconsideration does not clearly state what changes GCC is requesting to be made in the Board's final order. In addition the motion does not provide any reasons why the changes are necessary. The Board's procedural rules do not specifically allow the Agency to comment on a response to the Agency recommendation and GCC provides no basis why a response from the Agency would be needed. While the motion references GCC's response to the recommendation to explain the changes in the construction phase, the response was not timely filed with the Board. Further, even if the Board were to consider the response the motion does not refer the Board to specific pages of the response.

GCC is free to file a new motion for reconsideration clearly specifying the areas of the final order it wishes the Board to reconsider and fully explaining the reasons supporting reconsideration. The Board notes that 35 Ill. Adm. Code 101.246 allows for the filing of a motion for reconsideration within 35 days of the Board's adoption of a final order. The final order in this matter was adopted on April 8, 1993. Therefore, if GCC intends to file a new motion for reconsideration, it must file the motion with the Board before May 13, 1993.

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 23rd day of April, 1993, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board