

ILLINOIS POLLUTION CONTROL BOARD

May 9, 1991

IN THE MATTER OF:)
)
PM10 EMISSION LIMITS FOR THE)
PORTLAND CEMENT MANUFACTURING) R91-6
PLANT AND ASSOCIATED QUARRY) (Rulemaking)
OPERATIONS LOCATED SOUTH OF)
THE ILLINOIS RIVER IN)
LASALLE COUNTY, ILLINOIS.)

ORDER OF THE BOARD by (B. Forcade):

This matter comes before the Board on a Motion to Schedule Additional Hearings filed on April 29, 1991 by Lone Star Industries, Inc. ("Lonestar"). Lone Star also requests that the Board issue a second First Notice Opinion and Order in the above captioned regulatory proceeding.

On May 7, 1991 the Illinois Environmental Protection Agency ("Agency") filed a Response to Lonestar's motion. The Agency requests that the Board deny the motion for additional hearings and decline to restart this regulatory proceeding with a second First Notice proposal. The Agency suggest that an ample comment period should be allowed to resolve conflicts in this federally required rulemaking which has a federally-imposed deadline of November 15, 1991.

Both participants have fully articulated their positions with supporting reasons. These matters were also addressed in two days of hearings held on April 17 and 19, 1991.

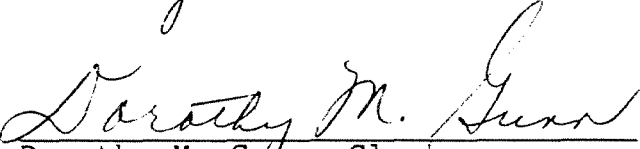
The Board finds that the Agency has correctly identified adequate alternate means to resolve Lonestar's perceived problems. An extended comment period and the possibility of variance or adjusted standard relief should provide an adequate opportunity for Lonestar to be fully and fairly heard before the Board. The Board notes also that Lonestar does not request a hearing at this time, but rather conditionally requests a hearing. Therefore, the Board denies Lonestar's motion for additional hearings and request that the Board proceed to a second First Notice.

The Board will allow an extended comment period of 45 days from the date of this order for the participants to submit specific comments and recommendations regarding the Board's First Notice Proposal. That timeframe should also allow Lonestar adequate time to evaluate the results of the stack test performed April 25 and 26, 1991. Motion at p. 7. In any event, by the

close of the comment period, Lonestar must formulate its position and specifically recommend changes to the First Notice proposal, as this Board has already expressed its intention to expedite this proceeding to meet the federal deadline.

IT IS SO ORDERED.

I Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 9th day of May, 1991, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board