

ILLINOIS POLLUTION CONTROL BOARD  
May 5, 1988

ALTON PACKAGING CORPORATION, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 83-49  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by R. C. Flemal):

Alton Packaging Corporation ("Alton") filed a Motion for Reconsideration and Rehearing on March 31, 1988, and a correction to that motion on April 18, 1988. The Board construes the latter filing to be an Amended Motion for Reconsideration and Rehearing.

On April 20, 1988 the Illinois Environmental Protection Agency ("Agency") filed a Motion for Extension of Time to file a response to Alton's motions. By Board Order of April 21, 1988 Respondent was granted leave to file said response on or before April 29, 1988. The Agency failed to file its response within the timeframe provided by the Board, therefore the response is stricken.

In its motion, Petitioner requests that the Board reconsider its February 25, 1988 Opinion and Order involving the compliance plan and economic hardship issues. In the alternative Petitioner requests the Board grant it a rehearing on the issues of compliance alternatives and coal costs. Petitioner makes two basic claims in support of its motion: 1) that the currently filed PCB83-55 adjusted standard proceeding along with a commitment to burn lower sulfur coal within three years if the adjusted standard is not granted, is a proper compliance plan; and 2) that the use of low sulfur coal, the only viable Compliance option outside of an adjusted standard, would impose an arbitrary or unreasonable hardship upon Alton.

The Board finds that it has sufficiently discussed and considered each of these issues in its Opinion and Order. The only case precedent which Alton cites in its motion which the Board did not discuss is the October 1, 1987 Opinion and Order Schrock v. Illinois Environmental Protection Agency, PCB 86-205. The Board believes that its discussion contained in its previous Schrock Order, PCB 86-205, March 5, 1987 is supportive of the general rationale which the Board has followed regarding compliance plans, and was cited as such. However, the factual


situation as presented in Schrock is disparate and not supportive of the relief which Alton seeks.

The Board believes that the type of information Alton now seeks to present regarding low sulfur coal pricing and the other compliance options would not alter the Board's determination of the lack of a compliance plan nor would it change the outcome of the proceeding. Moreover, Alton's assertions that utilization of any of these compliance options and the use of low sulfur coal would be so costly as to constitute an arbitrary or unreasonable hardship, are indicative of a lack of commitment to a compliance plan. In so noting, the Board does not intend to reverse its holding that Alton failed to prove it would suffer an arbitrary or unreasonable hardship if denied variance relief, or its holdings on other matters as stated in the Opinion and Order, but merely seeks to illustrate Alton's continued lack of commitment to a compliance plan which ensures that compliance will be achieved by a date certain. A new hearing on these matters is consequently unwarranted.

Alton's Motion for Reconsideration and Rehearing is therefore denied.

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 5<sup>th</sup> day of May, 1988, by a vote of 7-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board