

ILLINOIS POLLUTION CONTROL BOARD
September 3, 1981

IN THE MATTER OF:)
)
AMENDMENTS TO CHAPTER 2: AIR) R79-11
POLLUTION CONTROL RULES AND REGULATIONS,)
RULE 203(g)(1)(E).)

ORDER OF THE BOARD (by I. Goodman):


On August 19, 1981 Caterpillar Tractor Co. (Caterpillar) filed a Motion For Reconsideration of the Board's Order entered on July 23, 1981 in the above captioned matter. The Board hereby grants Caterpillar's motion and, having considered the issues raised in said motion, reaffirms its Order of July 23, 1981. However, because this motion indicates there is a misunderstanding as to the scope of this rule, the Board will take this opportunity to clarify which boilers are covered by Rule 203(g)(1)(E).

The term "existing," as used in this rule, includes all boilers which are in use or under construction on the effective date of this rule. This, for example, would include boilers #4 and #5 located at Caterpillar's Mapelton Plant which were characterized as "new" in the Statement of Reasons accompanying the rulemaking petition. The term "existing" and, thus, the scope of this rule do not encompass boilers which are not, as a minimum, under construction on the effective date of the this rule. Boilers which have been issued a construction permit by the Illinois Environmental Protection Agency (Agency) on the effective date of this rule are considered to be "under construction" for the purposes of this rule.

The Board finds that the elimination of the word "new" does not constitute a substantive change in the scope of the proposal because the term "existing" as used in this rule will cover the same boilers which were covered by the original proposal. The scope of this rule is dictated by the fact that the record in this proceeding did not address either the economic or air quality impacts of extending this rule to future construction. Caterpillar or any other petitioner may, of course, initiate a rulemaking proceeding pursuant to Section 28 of the Environmental Protection Act to consider the question of an appropriate emission limitation for boilers which are to be constructed in the future.

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 3rd day of September, 1981 by a vote of 5-1.


Christan L. Moffett, Clerk
Illinois Pollution Control Board