

ILLINOIS POLLUTION CONTROL BOARD
March 2, 1989

IN THE MATTER OF:)
)
ABBOTT LABORATORIES) R88-14
SITE-SPECIFIC)

ORDER OF THE BOARD (by J.D. Dumelle):

Section 27(a) of the Environmental Protection Act ("Act") has recently been amended by P.A.85-1048 to give the Board exclusive authority in deciding whether an EcIS should be performed for a rulemaking. Since that change became effective January 1, 1989, Resolution 89-1 sets forth the procedure that the Board will utilize for rulemakings which were filed prior to 1989 and for which an EcIS determination had not been made by the Department of Energy and Natural Resources ("DENR"). In part, the amendments to the Act provide:

[T]he Board shall determine whether an economic impact study should be conducted. The Board shall reach its decision based on its assessment of the potential economic impact of the rule, the potential for consideration of the economic impact absent such a study, the extent, if any, to which the Board is free under the statute authorizing the rule to modify the substance of the rule based upon the conclusions of such a study, and any other considerations the Board deems appropriate. The Board may, in addition, identify specific issues to be addressed in the study.

Section 27(a) of the
Act. (as amended by
P.A.85-1048)

It is upon these criteria that the Board makes its initial EcIS determination in this matter.

On May 3, 1988, Abbott Laboratories (Abbott) filed a proposal for site-specific exception to the Board's Pharmaceutical rules. Subsequent to that filing, the Board was informed that the Illinois Environmental Protection Agency (Agency) intends to file a proposal for general amendments to the Pharmaceutical rules. Awaiting the Agency's proposal, the Board has taken no action on Abbott's proposal; in the interest of economy, the Board would prefer to consolidate the two proceedings and to conduct one rulemaking rather than two. However, as a proposal for general amendments has not as yet been

filed, the Board believes it necessary to exercise its authority under Section 27(a) of the Act, as amended, and to begin the determination process on Abbott's proposal. Consistent with Section 27(a) of the Act, within 21 days of the date of this Order any person may request the Board to determine whether or not an EcIS should be prepared. Thereafter the Board will consider any comments filed and will make an EcIS determination.

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 2nd day of March, 1989 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board