

ILLINOIS POLLUTION CONTROL BOARD
March 14, 1991

IN THE MATTER OF:)
)
PROPOSED EXCEPTION TO 35 ILL.) R90-23
ADM. CODE 216.381 FOR FERROUS) (Rulemaking)
FOUNDRIES IN VERMILION COUNTY)

ORDER OF THE BOARD by (B. Forcade):

This matter comes before the Board on an Amended Petition filed on December 21, 1990 by General Motors Corporation ("GM"), requesting site specific relief from the Board's regulation limiting carbon monoxide emissions from cupolas used in manufacturing metal products. 35 Ill. Adm. Code 216.381. The petition was accepted for hearing on January 10, 1991.

Section 27 of the Environmental Protection Act ("Act") requires that the Board make a determination on whether an EcIS should be conducted.

Section 27(a) directs the Board to consider various factors and also allows the Board to reconsider the need for an EcIS at a later point in the proceeding.

...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....

However, at any time prior to the close of the record during the rulemaking proceeding, the Board may determine that an economic impact study should be prepared, if the proposal has been substantially modified or if information in the record indicates that an economic impact study would be advisable. If the Board determines that an economic impact study should be conducted, the Department shall prepare an economic impact study in accordance with "An Act in relation to natural resources, research, data collection and environmental studies", approved July 14, 1978, as amended.

Section 27(a) of the Act.

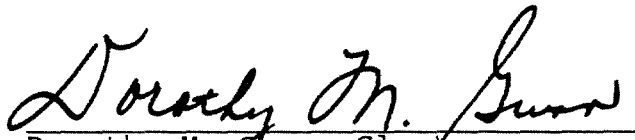
The Department of Energy and Natural Resources ("DENR") has not filed comments on whether an EcIS would be advisable under

the circumstances of this proposed rulemaking. DENR has indicated that it will not file comments on this issue, but that it does not intend this action to preclude its further participation in the rulemaking. The Board notes that DENR has participated already in this rulemaking by the participation of Bill Denham of DENR at the tour of the facility on March 7, 1991. See Hearing Officer Order of February 21, 1991. The Board agrees that DENR may continue to participate in this rulemaking and invites DENR to file comments, particularly if DENR has information on similar facilities in the state.

GM asserts that the anticipated economic impact of the proposed rulemaking is limited to GM's facility, which is the only ferrous foundry in Vermilion County. A cursory indication of the possible limited economic impact is found in GM's responses to the Analysis of Economic and Budgetary Effects Questionnaire. While the Board finds that the filings to date lack sufficient detail for the Board to evaluate the economic impact of granting or denying the request for relief, the Board finds that no EcIS should be performed at this time. The Board orders that supplemental economic information be provided by GM at the Merit Hearings, or as otherwise specified and directed by Hearing Officer or Board Order.

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 14th day of March, 1991, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board