

ILLINOIS POLLUTION CONTROL BOARD
March 28, 1991

IN THE MATTER OF:)
)
PETITION OF DMI, INC. FOR) R91-9
SITE SPECIFIC AIR REGULATION:) (Rulemaking)
35 ILL. ADM. CODE 215.215)

ORDER OF THE BOARD (by M. Nardulli):

On February 4, 1991, DMI, Inc. filed a petition requesting site specific relief from the Board's regulation at 35 Ill. Adm. Code 215 limiting volatile organic material emissions from paint deck operations. The petition was accepted for hearing on February 7, 1991.

Section 27 of the Environmental Protection Act ("Act") requires that the Board make a determination as to whether an Economic Impact Study should be conducted.

Section 27(a) directs the Board to consider various factors and also allows the Board to reconsider the need for an Economic Impact Study 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") filed comments on February 19, 1991, as to whether an Economic Impact Study would be advisable in this rulemaking. DENR "believes that a formal economic impact study is not required" (P.C. 1 p. 1). No other comments have been received at this time.

DMI asserts that an economic impact study is not advisable for this proposed rulemaking. DMI stated that the economic impact of the rule would be limited to its facility and that, based on DMI's economic calculations, the rule would have "few environmental costs". (Pet. p. 12).

The Board notes that both DENR and DMI reference two previous rulemakings of a similar nature where an economic impact study was not required. (Site Specific Petition of John Deere Harvester-Moline, R87-1, and Site Specific Petition of Roadmaster Corporation, R88-19). In addition, DMI has agreed to expand and elaborate on the economic and technical information set forth in the petition. Therefore, the Board finds that an Economic Impact Study should not be performed at this time.

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 28th day of March, 1991, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board