

ILLINOIS POLLUTION CONTROL BOARD
September 26, 1991

IN THE MATTER OF:)
)
REPEAL OF 35 ILL. ADM. CODE) R91-18
) (Rulemaking)
809.SUBPART I: HAZARDOUS)
(INFECTIOUS) HOSPITAL WASTE)

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

On August 22, 1991 the Board initiated this docket on its own motion. House Bill 2491, presently awaiting the Governor's signature, amends various provisions of the Environmental Protection Act ("Act") as they relate to potentially infectious medical wastes ("PIMW"). One provision amendment contained in HB2491 is the repeal of 35 Ill. Adm. Code 809.Subpart I: Hazardous (Infectious) Hospital Waste, to be completed by January 1, 1992.

Section 27 of the Act requires the Board, within 60 days of accepting a proposal for hearing, to determine whether an economic impact study ("EcIS") should be conducted. That Section further allows a 21 day comment period for any person to request the Board to determine that an EcIS be prepared or not prepared.

In this proceeding, the Board received a written comment filed September 10, 1991 from the Department of Energy and Natural Resources ("Department") requesting that the Board determine that an EcIS not be prepared. The Department further states that "[s]ince R91-18 is concerned with the repeal of current rules, no economic impact is envisioned for any presently regulated entity or facility as a result of the adoption of this proposed rulemaking". The Department also points out that economic impacts will arise as a result of the Board's other rulemaking proceedings on PIMW, (dockets R91-19¹, R91-20, and R91-21), and that these impacts are best addressed in these other dockets.

After consideration of the above comment and the proposed rulemaking, the Board presently believes that the presentation of economic information at hearing and in comments in this proceeding should be sufficient for the Board's consideration of the economic impact of the proposed rule. The Board therefore finds that the preparation of an EcIS need not be conducted in this matter at this time.

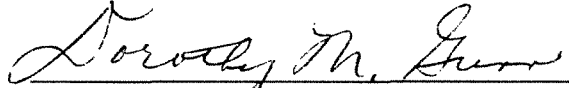
¹ The Board notes that the R91-19 proceeding is an identical in substance rulemaking which does not follow Title VII or "regular" rulemaking procedures, including an EcIS determination.

The Board further notes that Section 27 of the Act also provides for the Board to change its determination that an EcIS need not be prepared under specific circumstances:

. . . any time prior to the close of the record during the rulemaking proceeding, the Board may determine that an economic impact study be prepared, if the proposal has been substantially modified or if information in the record indicates that an economic impact study would be advisable.

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 26th day of September, 1991 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board