

ILLINOIS POLLUTION CONTROL BOARD
April 11, 1991

IN THE MATTER OF:)
)
UTILITY INDUSTRY AMENDMENTS) R90-25
TO THE LANDFILL REGULATIONS) (Rulemaking)
(PARTS 810-815))

ORDER OF THE BOARD (by J. Anderson):

On November 29, 1990, the Illinois Utility Group ("Utility Group") filed a Regulatory Proposal. In its filing, the Utility Group proposed amendments to the development, operating, and reporting requirements for non-hazardous waste landfills that were developed in R88-7 and that are found at 35 Ill. Adm. Code 810-815. On March 13, 1991, the Utility Group filed an Amended Proposal. On March 14, 1991, the Board issued a First Notice Opinion and Order accepting the matter for hearing.

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

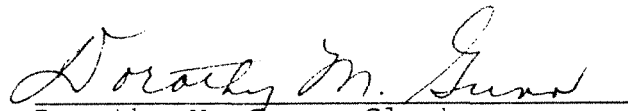
On March 21, 1991, the Department of Energy and Natural Resources ("DENR") filed comments as to whether an EcIS would be advisable in this matter. (P.C. 1). DENR states that it does not believe that an EcIS is necessary in this matter. In support of its belief, DENR states that much of the information contained in the EcIS in R88-7 is relevant to this proceeding. DENR also notes that the Utility Group summarized the economic impact of each section of the proposed regulations, and referenced the R88-7 EcIS for each proposed amendment encompassing changes in economic impact. The Board has received no other comments regarding the issue of an EcIS determination.

The Utility Group recommends that an EcIS not be conducted because extensive studies were provided to the Board in R88-7 and because it believes that much of the information generated in the prior EcIS, is applicable to its proposal.

After taking the above factors into consideration, the Board finds that an EcIS need 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 11th day of April, 1991, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board