

ILLINOIS POLLUTION CONTROL BOARD  
September 28, 1989

IN THE MATTER OF: )  
 )  
IDENR SPECIAL WASTE ) R 89-13A  
CATEGORIZATION STUDY )

ORDER OF THE BOARD (by J. Anderson):

On August 10, 1989, the Pollution Control Board adopted an Order containing a First Notice proposal for rulemaking and ordered the Hearing Officer to promptly schedule and conduct appropriate hearing. Hearings were held September 1, 1989, and September 14, 1989; a third hearing date was reserved but was found to be unnecessary. In addition to testimony received at hearing, the Board has received three comments to date. The deadline for public comment on the Part 808 (35 Ill. Adm. Code 808) proposal is October 10, 1989, the deadline for public comment on the Part 809 (35 Ill. Adm. Code 809) proposal is October 16, 1989.

Pursuant to Section 27(a) of the Environmental Protection Act (Act), within 21 days of the date the Board accepts a proposal for hearing, any person may request the Board to determine that an Economic Impact Study (EcIS) should or should not be prepared. In addition, Section 27(a) provides that within 60 days of the date the Board accepts a proposal for hearing, the Board must determine whether an EcIS should be conducted. Section 27(a) further states in relevant part:

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.

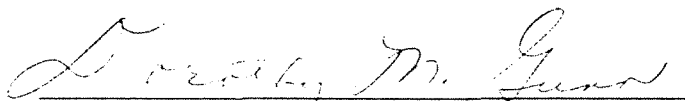
However, at any time prior to the close of the record during the rulemaking proceeding, the Board may determine that an economic impact study should be prepared, if the proposal has been substantially modified or if information

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.

Based upon these statutory considerations, the Board today decides that an EcIS need not be prepared at this time. At the outset, the Board notes that no person has requested an EcIS during the 21 day period allowed by Section 27(a) of the Act. Further, the proposed rules envision a purely voluntary system, so that any economic impact on the regulated community would be self-imposed and would be incurred in the hope of securing a measure of relief from current regulatory requirements. Finally, at hearing there was testimony as to the potential economic impact upon the Agency; the Board believes this testimony is sufficient for the purpose of considering the economic impact upon the Agency. The Agency and other participants are, of course, free to augment the hearing record in this regard during the remainder of the First Notice comment period.

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 28<sup>th</sup> day of September, 1989, by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board