

ILLINOIS POLLUTION CONTROL BOARD
September 24, 1981


IN THE MATTER OF:)
) R76-21
AMENDMENTS TO CHAPTER 3:)
WATER POLLUTION (EFFLUENT STANDARDS))

CONCURRING OPINION (by I. Goodman):

Although generally concurring with the majority Opinion issued today herein, I wish to point out what I consider an unfortunate and potentially dangerous trend in both the presentation of the Economic Impact Studies before the Board and the use of the Studies and economic hearings by the Board.

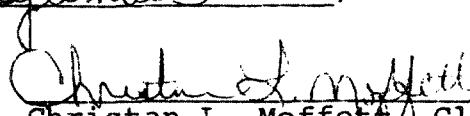
The purpose of the Study and the economic hearings is to fully inform the Board of the potential economic ramifications of the proposed regulation. The Studies are generally prepared by economists rather than technicians and are cross-examined with economics rather than technology in mind. Because these are specialized and isolated hearings on economic impact, persons with the expertise necessary to critique technical evidence may not be present. Given the nature of the Study and these proceedings, I believe that any technical evidence presented in the Economic Impact Study and the economic hearings should be viewed as incompetent and untested with regard to the technical merits of the proposal.

Obviously some technical information is required for the study contractor to support his conclusions from an economic viewpoint. The same evidence taken out of the context of an economic hearing, however, may prove to be irrelevant or indeed incorrect with respect to the technical feasibility of the regulation itself. I, therefore, believe that the Board should not consider such evidence with respect to the technological feasibility of the regulation. Also, it should not cite either the economic impact study or the record of the economic impact hearings in its Opinions to support decisions concerning the technological feasibility of a regulation.



Irvin G. Goodman
Board Member

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on the 28th day of September, 1981.



Christan L. Moffett, Clerk
Illinois Pollution Control Board