

ILLINOIS POLLUTION CONTROL BOARD
June 30, 1983

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO TITLE 35,)
SUBTITLE D: MINE RELATED POLLUTION,) R83-6
CHAPTER 1, PARTS 405 AND 406) Docket B

ADOPTED EMERGENCY RULE


ORDER OF THE BOARD (by D. Anderson):

On May 5, 1983 the Board proposed to extend to July 1, 1984 the expiration date for 35 Ill. Adm. Code 406.201, a temporary rule allowing exemption from certain water quality standards for coal mine discharges. The proposal appeared at 7 Ill. Reg. 6693. Public hearings were held on May 12 and May 27, 1983, at which time representatives of the Illinois Environmental Protection Agency and Illinois Coal Association expressed support for the proposed extension. The Department of Energy and Natural Resources has advised the Board that the Economic and Technical Advisory Committee has made a negative declaration in lieu of an economic impact study on the proposed extension. The public hearing requirements of Section 27 of the Environmental Protection Act being satisfied, the Board will adopt the proposed extension. The Board further finds that the disruption of the coal industry which could result from the expiration of Section 406.201 on July 1, 1983 constitutes a threat to the public interest and welfare within the meaning of Section 5.02 of the Administrative Procedure Act. The Board will therefore adopt the extension as an emergency rule under the Administrative Procedure Act. The Clerk is directed to file the rule with the Secretary of State and arrange for publication of a notice in the Illinois Register.

Insofar as emergency rules are effective for no longer than 150 days, the Board will proceed with the proposed one-year extension as a permanent rule. The comment period on that will expire on July 11, 1983. The Board will consider any comments before going on to second notice with the permanent one-year extension of the temporary rule.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 30th day of June, 1983 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board