

ILLINOIS POLLUTION CONTROL BOARD
December 4, 1980

In the Matter Of:)
)
Proposed Amendment to Chapter 8:) R80-9
Noise Regulations, Rules 101, 206,) R80-10
208, and 209)

FINAL ORDER, EMERGENCY RULE

ORDER OF THE BOARD (by J. Anderson):

Rule 209(f) currently exempts the owner or operator of certain Class C land who conducts necessary explosive blasting activities from complying with the sound limitations contained in Rule 206. This exemption expires on January 1, 1981.

On May 15, 1980, the Mining Industry Task Force on Impulsive Noise and Vibration proposed that the Board extend the exemption until June 1, 1983, pending completion in 1982 of federal research on the "Human Response to Blast Noise and Ground Structure Vibrations(R80-9). On July 10, 1980, the Environmental Protection Agency proposed enactment of certain "interim" sound limitations during this waiting period (R80-10).

The Board has concluded regulatory hearings on these proposals. Testimony in these hearings reaffirms prior testimony in R76-16 that the A-weighted sound measuring scale of Rule 206 is an inadequate descriptor of human response to blast noise. (See Opinion and Order in R76-16, 32 PCB 457, 458 January 18, 1979.) The Board has also learned that the coal industry, but not the quarry industry, is currently subject to federal regulations essentially equivalent to the Agency's proposed interim limits measured on a C-weighted sound scale.

This emergency rulemaking is necessary to avoid exposing those who conduct explosive blasting activities to enforcement of the inappropriate sound limitations of Rule 206 as of January 2, 1981. While the Board has considered filing the proposed interim limitations as an emergency rule, we have chosen to continue the exemption on an emergency basis while the permanent rulemaking is in the process of being completed. This measure is being taken to insure that the quarry industry has ample time to determine first, whether its blasting activities are currently in compliance with the proposed limits, and secondly, how and when compliance can be achieved so that any necessary petitions for variance can be timely filed.

The Board therefore amends Rule 209(f) of Chapter 8 to continue its exemption from the Rule 206 sound limits to and including May 31, 1981. Amended Rule 209(f) will become effective January 2, 1981 and is being filed with the Secretary of State without notice or comment as provided by Rule 5.01 of the Secretary of State's Rules on Rules and Section 5(b) of the Illinois Administrative Procedure Act [Ill. Rev. Stat. 1979, Ch. 127, Section 1005(b)].

ORDER

The Board hereby adopts the following emergency amendment to Rule 209(f) of Chapter 8: Noise Regulations.

Rule 209: Compliance Dates For Part 2

- (f) Every owner or operator of Class C Land now or hereafter used as specified by SLUCM Codes 852 and 854 shall have to and including ~~January 17, 1981~~ May 31, 1981 to bring the sound from necessary explosive blasting activities in compliance with Rule 206 provided that such blasting activities are conducted between 8:00 a.m. and 5:00 p.m. local time, at specified hours previously announced to the local public.

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 4th day of December, 1980 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board