

ILLINOIS POLLUTION CONTROL BOARD

January 24, 1974

IN THE MATTER OF THE PETITION OF THE)
ILLINOIS STATE CHAMBER OF COMMERCE) R72-2
FOR STAY)
)

OPINION AND ORDER OF THE BOARD (by Mr. Henss)

The Illinois State Chamber of Commerce filed Motion for Stay of the Noise Regulations (R72-2) on October 19, 1972. The Motion for Stay is denied.

We agree with the Attorney General that Petitioner does not have standing to attack the Regulation. The Illinois State Chamber of Commerce is not in the same position as the trade associations, such as the Railroad Association or the Forging Industry Association. The trade associations are legitimately able to contend that they represent companies which are similar in nature and that all of those companies are adversely affected by the Regulation. An appeal by a trade association seems to us to be a sound method of debating issues, since the trade associations represent companies which have common problems and technology.

The State Chamber of Commerce, on the other hand, claims to represent the "interests of businessmen in Illinois". The Chamber contends that the Noise Regulation threatens the business climate and, indirectly, the operating revenues of Petitioner. Apparently this sweeping assertion would include the railroads and forge shops (which already are conducting a separate appeal) in addition to businessmen who might favor the Noise Regulation, i.e. retailers of insulation or noise measuring equipment or businessmen involved in health care. When the Chamber speaks on appeal, whom shall it represent? Is Petitioner really speaking for hospital managers, for instance? Or does Petitioner just represent part of the business interests? And which part?

We believe that the issues involved in the Noise Regulation are sufficient without the additional confusion injected by Petitioner. The issues will be more easily resolved if each appellant is in position to advise the Court regarding its individual technology and any difficulties which it might have in complying with the Regulation.

Further, it appears that Petitioner would stay the effect of this Regulation as to all business interests in Illinois without even identifying the hardships the various business interests might have in complying with the Regulation. It may be true that some hardship exists. It probably also is true that some businesses are already in compliance and others will be able to comply with very little effort. How are we to determine which businesses are to receive a stay.

In short, we feel Petitioner lacks standing and the Motion for Stay is inadequate.

IT IS ORDERED that the Motion for Stay be denied.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 24th day of January, 1974 by a vote of 5 to 0.

Christan L. Moffett