

ILLINOIS POLLUTION CONTROL BOARD

October 30, 1980

RESOLUTION

The Board has recently received a number of proposals for site-specific water quality regulations. These include the following: Galesburg, R80-16; Pfizer, R80- ; Olin, R80- ; and Sauget, R80- . These proposals seek to amend Board regulations through deletion by interlineation or the addition of subsections or footnotes to the existing language.

Under Rules promulgated by the Secretary of State and the Joint Committee on Administrative Rules, the Board must publish proposals two times in the Illinois Register prior to adoption. Where language has been added to an existing rule it is necessary that the Board publish the entire rule in the Illinois Register. Where the rule is already long this creates a burden in typing and preparing the rule and tends to lengthen the Illinois Register. It can also produce conflicts if other sections of the same rule are being changed concurrently. There is, furthermore, a possibility of inadvertent alteration of language in the unaffected parts of the rules which do not receive the same attention as the substance of the proposal.

Presently before the Board in R78-7 is a proposal to amend Rule 203.1(a) to provide a site specific water quality standard for an unnamed tributary of the Middle Fork of the Vermilion River near Danville. This proposal is in the form on interlineation of an existing regulation applicable to streams receiving fluorspar mine drainage, which are remote from the Danville facility. The fluorspar mines are not participants although their regulation may be modified. No rules provide for their participation and it would be very impractical to attempt direct notification of all persons potentially affected by such amendments. Persons who presently operate under site specific rules must monitor the Illinois Register to make certain their rule has not been inadvertently changed in another proceeding.

The Secretary of State has promulgated rules which will require the Board to adopt a codified version of its rules prior to October 1, 1983. The codification rules limit the size of sections to two or three pages. In some cases it will be necessary for the Board to move site specific and other exceptions from the general rules and place them as separate rules in order to shorten the rules to three pages. To comply with this in the long run it will be necessary that the Board halt the practice of inserting site specific exceptions into the general rules.

The Board therefore requests that proponents drafting site specific exceptions to its rules write these as stand-alone rules with a heading.

Proponents of regulations applicable to small classes of people or applicable only in special circumstances are requested to consider whether the rule could be conveniently stated as a separate rule. The Board requests that these proposals take the form of new rules unless they represent a modification which affects a substantial number of people. As a guideline the Board will consider whether the rule affects anyone other than the proponent or members of a group proposing a rule.

A proposed rule should include a number and heading. It should state fully the conditions under which it is applicable and its relationship to other Board rules. A number in that part of the Board's rules will be assigned. Proposals which do not meet this criterion will be subject to modification before authorization of hearings. During the codification process the Board will consider grouping site specific rules into separate subparts. Where the Board decides that a proposal would be more conveniently included within a general rule, it will modify the proposal accordingly.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Resolution was adopted on the 30th day of October, 1980 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board