

ILLINOIS POLLUTION CONTROL BOARD
June 22, 1989

IN THE MATTER OF:)
)
CONTINUOUS MONITORING RULES) R89-7
AND REPEAL OF NEW SOURCE)
PERFORMANCE STANDARDS AND)
HAZARDOUS AIR POLLUTANT)
REGULATIONS)

ORDER OF THE BOARD (by J.D. Dumelle):

On May 11, 1989 the Board, on its own motion, proposed the above-captioned rulemaking for First Notice. This rulemaking encompasses both a proposed amendment to correct 35 Ill. Adm. Code 201.405 and a proposed repeal of 35 Ill. Adm. Code Sections 230 and 231 in their entirety. The proposed amendment to correct Section 201.405 was published in the Illinois Register on June 9, 1989. The proposed repeal of Sections 230 and 231 was published in the Illinois Register on June 16, 1989.

In the Board's May 11, 1989 Opinion in this matter, the Board noted that within 21 days of the date of that Order, any person could request that an economic impact study ("EcIS") be prepared or not. On June 1, 1989, the Illinois Environmental Protection Agency ("Agency") submitted its request for determination that an economic impact study not be conducted.

Pursuant to Section 27(a) of the Environmental Protection Act ("Act"), the Board must determine whether an EcIS should be conducted, within 60 days of the date the Board accepts a proposal for hearing. The Agency has requested that the Board determine that an EcIS should not be prepared for either the correction to Section 201.405 or the repeal of Sections 230 and 231.

In regard to the proposed correction to Section 201.405, the Agency points out that in the previous rulemaking adopting this Section, the Department of Energy and Natural Resources ("DENR") filed a negative declaration finding that the cost of a formal study was economically unreasonable. (R.87-38 on June 27, 1988). The Economic and Technical Advisory Committee ("ETAC") concurred in DENR's negative declaration on August 4, 1988. Since the Board in its proposal to correct Section 201.405 is readopting language identical to that in R87-38, the Agency states that it believes an EcIS would also not be justified in this instance.

In regard to the proposed repeal of Sections 230 and 231, the Agency states that since these standards will remain enforceable under Section 9.1(d) of the Act, there is no economic impact from the repeal of these sections from the Administrative Code.

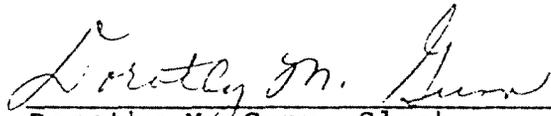
Based upon the information submitted during the 21-day comment period, and due to the 60-day statutory deadline, the Board today decides that an EcIS need not be prepared at this time. However, the Board notes that Section 27(a) of the Act states in pertinent part:

[A]t any time prior to the close of the record during the rulemaking proceeding the Board may determine that an economic impact study be prepared, if the proposal has been substantially modified or if information in the record indicates that an economic study would be advisable.

(Ill. Rev. Stat., 1987, ch. 111 1/2, par. 1027(a)). Thus, if the Board should later determine that an EcIS would be advisable, the Board will at that time so order.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 22nd day of June, 1989 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board