

ILLINOIS POLLUTION CONTROL BOARD
June 22, 1989

IN THE MATTER OF:)
)
LIMITS TO VOLATILITY OF) R89-30
GASOLINE)

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

On April 27, 1989, the Pollution Control Board accepted the above-docketed proposal for rulemaking filed by the Chicago Lung Association and ordered the Hearing Officer to establish a hearing schedule. Also, 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.

During that period, seven comments (P.C. 30 through 36) were submitted. Two comments (P.C. 37 and 38) were submitted after the twenty-one day period. P.C. 30, from an interested member of the public, requested the Board to determine that a EcIS not be prepared. P.C.s 31-37, from potentially affected industry, raised several questions about the economic impact of the proposal and requested that the Board require that an EcIS be prepared. Finally, P.C. 38, from the proponent, noted that the record contains much useful information on economic impact and that the hearings scheduled for July 17 and 21 will provide further opportunity for proponents and opponents of the rule to address economic impact.

Pursuant to Section 27(a) of the Environmental Protection Act (Act), within 60 days of the date the Board accepts a Proposal for hearing, the Board must determine whether an EcIS should be conducted. Section 27(a) further states in relevant part,:

The Board shall reach its decision based on its assessment of the potential economic impact of the rule, the potential for consideration of the economic impact absent such a study, the extent, if any, to which the Board is free under the statute authorizing the rule to modify the substance of the rule based upon the conclusions of such a study, and any other considerations the Board deems appropriate. The Board may, in addition, identify specific issues to be addressed in the study.

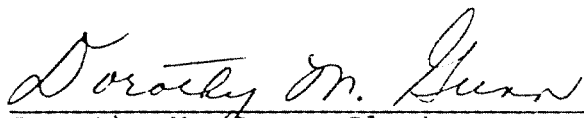
However, at any time prior to the close of the record during the rulemaking proceeding, the

Board may determine that an economic impact study should be prepared, if the proposal has been substantially modified or if information in the record indicates that an economic impact study would be advisable. If the Board determines that an economic impact study should be conducted, the Department shall prepare an economic impact study in accordance with "An Act in relation to natural resources, research data collection and environmental studies", approved July 14, 1978, as amended.

Based upon these statutory considerations, the Board today decides that an EcIS need not be prepared at this time. The public comment received to date contains a fair amount of economic discussion. Moreover, the Board anticipates the introduction at the scheduled hearings of additional evidence relating to the potential economic impact of the rule. While acknowledging the questions raised by the public comment, the Board would prefer to review that additional evidence before deciding to commit state resources to the preparation of an EcIS. As previously noted, Section 27(a) provides that the Board shall determine not only whether an EcIS shall be prepared, but also that it may additionally "identify specific issues to be addressed in the study". The Board will be in a better position to make an informed decision on both of these questions after economic issues are discussed at the mid-July hearings. However, as the Board has a statutory obligation to make a decision within 60 days of the acceptance of the proposal, the Board today decides that an EcIS need not be prepared at this time. If after the hearings the Board determines 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 2nd day of June, 1989 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board