

ILLINOIS POLLUTION CONTROL BOARD  
June 7, 1990

IN THE MATTER OF: )  
 )  
USED AND WASTE TIRE REGULATION ) R90-9  
(35 ILL. ADM. CODE 848) ) (Rulemaking)  
 )

ORDER OF THE BOARD (by J. Marlin):

On April 6, 1990 the Illinois Environmental Protection Agency ("Agency") filed a proposal for rulemaking pursuant to Section 55.2(a) of the Environmental Protection Act ("Act"). Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1055.2, as amended by P.A. 86-452. This proposal sets forth provisions for the regulation of disposal and storage of used and waste tires. Section 55.2 of the Act requires the Agency to submit such a proposal by July 1, 1990 and that the Board adopt such proposal pursuant to Sections 27 and 28 of the Act within one year.

On April 12, 1990 the Board accepted this matter for hearing. Pursuant to Section 27(a) of the Act the Board is required to determine within 60 days of that date whether an economic impact study ("EcIS") should be conducted. The Board today determines that one should not.

On May 3, 1990 the Board received the Illinois Department of Energy and Natural Resources' ("Department") Comments on the Appropriateness of an Economic Impact Study. The Department noted that the proposal includes a description of the universe of affected sources and facilities and the economic impact of the proposed rule, including an analysis of the economic and budgeting effects of the proposed rulemaking. The Department concluded that "a formal economic impact study is not critical" to the proceeding. According to the Department the body of economic information developed in the legislative process which led to the enactment of Section 55.2 of the Act is available for consideration by the Board. As a further consideration, the Department noted that a one year deadline exists for adoption of these rules. Preparation of an EcIS would, therefore "jeopardize the timely implementation of the rules".

On May 15, 1990, the Agency filed its Comments on Necessity of Economic Impact Study. The Agency noted that in Attachment C to its proposal it stated that an EcIS was advisable. In its latest comments, however, the Agency stated that requiring the Department to prepare an EcIS could result in substantial delays. The Agency, therefore, now takes the position that it has no objection to a Board determination that an EcIS is not necessary.

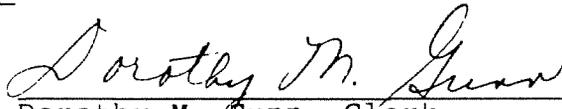
No other comments regarding the preparation of the EcIS were

received during the statutory 21 day comment period. That period expired May 2, 1990.

After consideration of these comments, the Board concludes that the presentation of economic information at hearing in this proceeding should be sufficient for the Board's consideration of the economic impact of the proposed rule. In addition to information developed in the Section 55.2 legislative process, the information presented in support of the emergency mosquito and used tires rulemaking, R88-24, may be made available as well. The Board therefore finds that the preparation of an EcIS need not be conducted at this time.

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 7<sup>th</sup> day of June, 1990, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board