

ILLINOIS POLLUTION CONTROL BOARD  
October 10, 1991

IN THE MATTER OF: )  
)  
PM-10 EMISSION LIMITS FOR THE )  
MCCOOK AND LAKE CALUMET AREAS )  
OF COOK COUNTY, ILLINOIS, AND ) R91-22  
THE GRANITE CITY AREA OF ) (Rulemaking)  
MADISON COUNTY, ILLINOIS: )  
AMENDMENTS TO 35 ILL.ADM.CODE )  
PARTS 211 AND 212 )

ORDER OF THE BOARD (by J. Theodore Meyer):

On August 19, 1991, the Illinois Environmental Protection Agency (Agency) filed this proposal for rulemaking. The proposal is intended to regulate particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers, which is known as PM-10. The proposal represents one part of Illinois' submittal of a complete state implementation plan (SIP) for the control of PM-10 emissions. Pursuant to Section 189 of the Clean Air Act, as amended in 1990, Illinois is to adopt and submit its plan by November 15, 1991. This proposal is directed at the McCook and Lake Calumet areas in Cook County, and to the Granite City area in Madison County. The Board accepted the proposal for hearing on August 22, 1991, and, without taking a substantive position on the proposal, sent the proposal to first notice on August 26, 1991. The proposal was published in the Illinois Register on September 20, 1991, at 15 Ill.Reg. 13627.

This proposal has been certified by the Agency to be a "required rule", as provided in Section 28.2 of the Environmental Protection Act (Act) (Ill.Rev.Stat. 1989, ch. 111 1/2, par. 1028.2, as amended by P.A. 86-1409, effective January 1, 1991), and the Board has accepted that certification. Section 28.2(c) requires that the Board determine whether an economic impact study (EcIS) should be prepared on the proposal. In making this determination, the Board is consider the potential economic impact of the rule, the potential for consideration of the economic impact without an EcIS, the extent, if any, to which the Board may modify the substance of the rule based upon the conclusions of a study, and

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<sup>1</sup> As the Board stated in its previous orders in this proceeding, it is literally impossible to meet the November 15, 1991 deadline with a final rule, due to the August 1991 filing of the proposal and statutorily mandated notice, publication, and comment requirements. The rule cannot possibly be completed before late December 1991, at the earliest, and even this date is jeopardized by the Agency's amendments to the proposal. However, the Board will proceed with this docket as expeditiously as possible.

statutory deadlines for promulgation of the rule. Section 28.2 and 35 Ill. Adm. Code 102.182.

In its proposal, the Agency asked that an EcIS not be prepared. The Agency notes that these proposed rules have a federal deadline of November 15, 1991. The Agency also points out that the record in this proceeding includes a report prepared by the Department of Energy and Natural Resources (ENR), describing its investigation into the economic impact of the proposed rules. (Agency proposal, Ex. G.) The Agency contends that in light of ENR's efforts, and the commitments of affected facilities to take "appropriate" measures to achieve compliance, no EcIS is necessary. The Agency maintains that compliance with the proposed rules is economically feasible.

On September 12, 1991, ENR filed its comments on the appropriateness of an EcIS in this proceeding. (P.C.#1.) ENR believes that a formal EcIS is not necessary. ENR states that an analysis of the direct costs of PM-10 controls, as well as control efficiency levels for affected facilities was included in the Agency's proposal. (Ex. G.) Attached to ENR's comment is an additional study, prepared for ENR by RCF, Inc., which considers the indirect costs as well as the environmental benefits of the proposed regulations. ENR also states that additional information will be submitted to update the two reports after the Agency proposes the remaining rules for the Granite City area.<sup>2</sup> Therefore, ENR contends that economic impact information is being provided for this proceeding, and that a formal EcIS is not necessary.

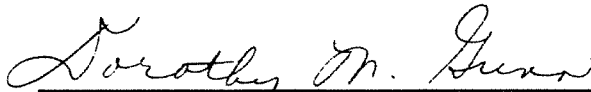
The Board agrees with the Agency and ENR that no EcIS should be prepared in this proceeding. The Board notes that the record currently contains more economic information than usually exists at this point in a regulatory proceeding, and believes that both existing and new information can be explored in the hearing process and in written comments. Additionally, given the tight timeframe in this rulemaking, the Board finds that it is not appropriate to request an EcIS. The Board will, of course, consider the economic impact of this proposal. See Section 28.2(d).

IT IS SO ORDERED.

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<sup>2</sup> The Board notes that the Agency filed a motion to amend its proposal on September 30, 1991. That amendment includes the additional proposed rules for the Granite City area.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 10<sup>th</sup> day of October, 1991, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board