

ILLINOIS POLLUTION CONTROL BOARD  
September 26, 1991

IN THE MATTER OF: )  
 )  
DIESEL VEHICLE EXHAUST ) R90-20  
OPACITY LIMITS ) (Rulemaking)  
 )

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

Pursuant to Section 27(a) of the Illinois Environmental Protection Act ("Act") the Board finds that an economic impact study ("EcIS") is unnecessary in R90-20. In its filing of August 13, 1991, the Department of Energy and Natural Resources ("DENR") states that "a substantial record regarding most facets of the issue was generated". In stating that an EcIS was unnecessary, DENR had only the benefit of our inquiry hearings. Since that time, the Board has held another hearing and one more is scheduled for October 3, 1991 in Springfield. The three hearings held thus far have provided a wealth of information with regard to the technical feasibility and economic reasonableness of the proposed rule. For example, the Engine Manufacturing Association as well as Navistar<sup>1</sup> have stated that a 55% opacity standard would comport with the federal engine design requirements for which pre-1991 engines were built. In other words, if a 55% opacity standard were adopted for all pre-1991 engines, then there should be no cost (other than normal maintenance) to the regulated community in order to be in compliance.

On September 19, 1991, the City of Chicago filed a public comment requesting an EcIS. In the alternative, the City requests that additional information pertaining to economic information be put into the record. The City submits that economic data is not available from other states contemplating similar legislation, the costs of the proposed testing is unknown and that the record does not presently show whether businesses may move out of Illinois and/or bypass our state as a result of diesel regulation.

The record indicates costs in such states as Maryland and substantial information is available regarding the California program. At the same time, the record is replete with assertions by some western suburbs that they would attempt to enforce the rule via local ordinance. The City's final concern is more directed to the merits of the regulatory program and will hopefully be addressed at hearing.

In conclusion, we find that the record thus far indicates that


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<sup>1</sup>During the course of the proceedings, other entities such as Caterpillar, the CTA and the Robert Bosch Company have testified that the 55% opacity standard is readily achievable.

there are no substantial costs to industry associated with the rule. In the event that evidence comes to light which contravenes this belief, the Board can, pursuant to Section 27(a) of the Act, order that an EcIS be performed any time prior to the closing of the record. Accordingly, we find that an EcIS is not necessary in this rulemaking.

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 26<sup>th</sup> day of September, 1991 by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board