ILLINOIS POLLUTION CONTROL BOARD October 5, 1982

IN THE MATTER OF:

RACT II RULES,

CHAPTER 2: AIR POLLUTION

)

CONCURRING OPINION (by J.D. Dumelle and N.E. Werner):

Our reasons for concurring are the possible serious economic effects of these regulations upon Illinois industry and the recent evidence that Illinois may not need further hydrocarbon reductions.

Illinois industry is in a recession. The Rockford, Decatur, and Peoria areas are on the national list of 10 urban areas of highest unemployment. And for Illinois itself, unemployment now exceeds 12% -- an exceedingly high figure.

These additional hydrocarbon controls or process or product changes will cost money. Industry, in a recession, must husband its financial resources to pay fixed costs which continue even as sales and output fall.

And businessmen considering relocation to the Sun Belt or elsewhere may easily interpret these additional costs imposed by the State as indicative of an unfeeling attitude toward their extreme situation.

Are these additional regulations really needed? No violations of the national (identical with Illinois) ambient air quality standard for ozone were recorded anywhere in the State in 1982. Why then are further controls necessary when IEPA, the proponent, admits that earlier theoretical models used in the 1978-79 RACT-I proceeding "overcontrolled"? The only arguments advanced are those of decreased industrial output and reduced car usage because of the recession and possible favorable meteorological conditions.

Another reason for controls is often not voiced. It is that the Federal government "expects" Illinois to enact these new rules and may promulgate them if the State does not. But how can the case be made for promulgation if no violations exist?

We would have preferred not to enact regulations statewide so as to spare Rockford, Decatur, and Peoria possible further burdens. But there is no easy way to hold the regulations in abeyance while enacting those in non-attainment areas only.

This order is a compromise. It immediately enacts the new controls in non-attainment and immediately adjacent counties. It puts the beginning of the control programs off to 1987

for the remainder of the State including the Rockford, Decatur, and Peoria areas.

It is our hope that 1983 and 1984 will also show no ozone violations. If that in fact happens, then industry should promptly ask the Board to repeal those pending controls which trigger in 1986.

Finally, in any further scientific studies on ozone reduction, the possibility of controlling oxides of nitrogen ought to be explored. There are few further sources of hydrocarbons that can be controlled without great expense.

Jacob D. Dumelle,

Chairman

Wels E. Werner

Board, Member

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on the _________, 1982.

Christan L. Moffett Clerk

Illinois Pollution Control Board