

ILLINOIS POLLUTION CONTROL BOARD
September 17, 1992

IN THE MATTER OF:)
)
PETITION OF THE U.S. ARMY ENGINEER) R92-17
DISTRICT, ROCK ISLAND, FOR A DREDGED) (Rulemaking)
MATERIAL PLACEMENT REGULATION)
APPLICABLE TO THE ILLINOIS WATERWAY)
BETWEEN LA GRANGE LOCK AND DAM (MILE)
80.2) AND LOCKPORT LOCK (MILE 291))

ORDER OF THE BOARD (by R.C. Flemal):

On September 3, 1992 the U.S. Army Engineer District, Rock Island, filed a petition requesting a site-specific rule related to the disposal of dredged material along the bankline of the Illinois Waterway located between the La Grange Lock and Dam located at river mile 80.2 and the Lockport Lock located at river mile 291.0.

The petition is hereby accepted for hearing and the hearing officer is directed to proceed accordingly.

Accompanying the petition is a motion requesting waiver of the requirement to submit 200 signatures in support of the proposal. That motion is hereby granted.

Petitioner characterizes its filing as a "site-specific" proposal, in parallel with similar characterizations made by the Board in prior variance proceedings dealing with this same matter. However, upon reflection and observation that the proposed amendment would affect sites located in a number of Illinois counties, the Board finds that the proposal is not properly characterized as a site-specific proposal¹. The principal practical effect of this determination is that two hearings will need to be held, as specified at Section 28 of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1028).

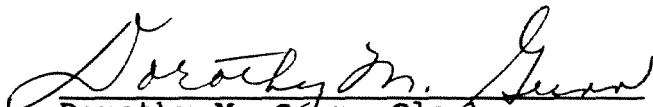
As a final matter, the Board notes that the proposal was accompanied by a statement of whether an economic impact study is advisable. PA 87-860, effective July 1, 1992, deletes the portions of the Environmental Protection Act that pertain to

¹ "Site-specific rule" is defined in the Board's procedural regulations at 35 Ill. Adm. Code 101.101 as "a proposed or adopted regulation, not of general applicability, which applies only to a specific facility or geographic site". The matter at hand does not apply either to a specific facility or a specific geographic site.

economic impact studies for this type of rulemaking. Therefore, any actions previously required regarding economic impact studies are no longer required.

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 17th day of September, 1992, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board