

ILLINOIS POLLUTION CONTROL BOARD

June 4, 1992

IN THE MATTER OF:)
)
POTENTIALLY INFECTIOUS MEDICAL)
WASTE (PIMW): TREATMENT, STORAGE,) R91-20
AND TRANSFER FACILITIES and) (Rulemaking)
TRANSPORTATION, PACKAGING, AND)
LABELLING (35 ILL. ADM. CODE 1420,)
1430, and 1440))

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

On May 7, 1992, the Board accepted this proposed rulemaking for hearing. Section 27 of the Act requires the Board, within 60 days of accepting a proposal for hearing, to determine whether an economic impact study ("EcIS") should be conducted. That Section further allows a 21 day comment period for any person to request the Board to determine that an EcIS be prepared or not prepared. The 21 days expired on May 28, 1992.

In this proceeding, the Board received written comments from the Illinois Environmental Protection Agency (Agency), filed on April 27, 1992 with the proposal, and from the Department of Energy and Natural Resources ("Department"; P.C.#7), filed on May 11, 1992. Both commenters request that the Board determine that an EcIS not be prepared. The Agency states that representative members of the regulated community¹ have participated in the development of the Agency's proposal, and that these representatives will attend the hearings and present information on the economic reasonableness of the rule. The Agency has also presented some economic information with its proposal (see Attachments 1-10), and will present additional information at hearing. The Department concurs in the Agency's comments, and further states that interested parties will have "ample opportunity to present testimony regarding technical feasibility and economic reasonableness during the Board's merit hearings." (P.C.#7 at 1). The Department further states that additional economic information will be available from the Agency at or before hearing.

After consideration of the above comments and the proposed rulemaking, the Board presently believes that the presentation of

¹ Some of these representatives also participated on the Medical Waste Tracking Study Group (Study Group) formed by Governor Thompson. The Study Group was instrumental in drafting the legislation mandating the adoption of medical waste regulations.

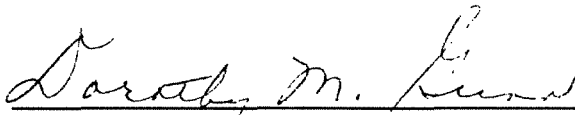
economic information at hearing and in comments in this proceeding should be sufficient for the Board's consideration of the economic impact of the proposed rule. The Board therefore finds that the preparation of an EcIS need not be conducted in this matter at this time.

The Board further notes that Section 27 of the Act also provides for the Board to change its determination that an EcIS need not be prepared under specific circumstances:

. . . any time prior to the close of the record during the rulemaking proceeding, the Board may determine that an economic impact study be prepared, if the proposal has been substantially modified or if information in the record indicates that an economic impact study would be advisable.

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 4th day of June, 1992 by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board