

ILLINOIS POLLUTION CONTROL BOARD
February 28, 1991

IN THE MATTER OF :)
)
PM-10 EMISSION LIMITS FOR THE)
PORTLAND CEMENT MANUFACTURING) R91-6
PLANT AND ASSOCIATED QUARRY) (Rulemaking)
OPERATIONS LOCATED SOUTH OF)
THE ILLINOIS RIVER IN)
LASALLE COUNTY, ILLINOIS.)

ORDER OF THE BOARD by (B. Forcade):

This matter comes before the Board on a Request for Determination that an Economic Impact Study Not Be Prepared filed on January 10, 1991 by the Illinois Environmental Protection Agency ("Agency"). The request was filed as Exhibit #9 in connection with the Agency's filing of the above-captioned regulatory proposal. On February 15, 1991, the Department of Energy and Natural Resources ("DENR") filed its comments in support of the Agency's request.

Section 27 of the Environmental Protection Act ("Act") requires that, within 60 days of the Board's acceptance of a regulatory proposal, the Board make a determination on whether an EcIS should be conducted.

Section 27(a) directs the Board to consider various factors and also allows the Board to reconsider the need for an EcIS at a later point in the proceeding.

...The Board shall reach its decision based on its assessment of the potential economic impact of the rule, the potential for consideration of the economic impact absent such a study, the extent, if any, to which the Board is free under the statute authorizing the rule to modify the substance of the rule based upon the conclusions of such a study, and any other considerations the Board deems appropriate....

However, at any time prior to the close of the record during the rulemaking proceeding, the Board may determine that an economic impact study should be prepared, if the proposal has been substantially modified or if information in the record indicates that an economic impact study would be advisable. If the Board determines that an economic impact study should be conducted, the Department shall prepare an economic impact study in accordance with "An Act in relation to natural resources, research, data collection and environmental studies", approved July 14, 1978, as amended.

Section 27(a) of the Act.

In its request, the Agency states that the subject proposal applies only to the cement plant and quarry operations of Lone Star Industries, Inc. ("Lone Star") in Oglesby, LaSalle County, Illinois, and that Lone Star has already undertaken a plant modernization program consistent with the proposal. The proposed regulatory changes would amend Part 212, Visible and Particulate Matter Emissions, 35 Ill. Adm. Code 212.108, 212.423, and 212.424, and Part 211, Definitions and General Provisions, 35 Ill. Adm. Code 211.122. The Agency also has submitted the Agency Analyses of Economic and Budgetary Effects of Proposed Rulemaking for Parts 211 and 212. The Agency indicated that Lone Star would be the only facility to incur costs as a result of the regulatory changes. Lone Star's costs were reported as follows:

- (1) New Roller Mill/all added stack heights = \$21,000,000
- (2) Stack Tests = 5 tests x \$6,000 = \$30,000/year (One Test/Emission Source for 5 Sources)
- (3) Fence Lines = \$100,000 installation
+\$2,000 Repair/Maintenance/year
- (4) IC Loadout paving = \$30,000 installation
+\$5,000 Repair/Maintenance/year
- (5) Kiln Dust pneumatic conveying system = \$350,000 installation
+\$10,000 Repair/Main./year
- (6) Fugitive Dust Control at Quarry = \$41,000/year
(Watering Haul road & Chemical spraying)
- (7) Record Keeping/Reporting = \$45,000/year
(1 salaried person)

See Agency Analysis of Economic and Budgetary Effects of Proposed Rulemaking for 35 Ill. Adm. Code 212.108, 212.423 and 212.424.

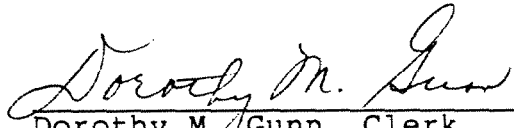
DENR filed its comments agreeing with the Agency that a formal economic impact study is not appropriate in this proceeding. DENR states that the proposal would regulate fugitive dust sources at the Lone Star facility alone and that Lone Star has already agreed to make the necessary changes and comply with the proposed emission limits and control measures. DENR notes that the project is anticipated to be completed in January, 1991.

The anticipated economic impact of the proposed rulemaking clearly appears limited to Lone Star, and that impact is described in sufficient economic detail. Furthermore, the affected facility is already undertaking the required expenses and completion may be imminent. The Board finds that no EcIS should be performed in this proceeding at this time. The

Board orders that any supplemental economic information which may be needed shall be provided by Lone Star at the Merit Hearings, or as otherwise specified and directed by Hearing Officer or Board Order.

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 28th day of February, 1991, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board