

ILLINOIS POLLUTION CONTROL BOARD  
December 3, 1981

IN THE MATTER OF: )  
 )  
AMENDMENTS TO CHAPTER 3: ) R76-21  
WATER POLLUTION (EFFLUENT STANDARDS) )

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

On February 19, 1981 the Board adopted a proposed rule, first notice Order (5 Ill. Reg. 2629, March 13, 1981). This was modified in response to comments in a proposed rule, second notice Order (August 20, 1981). The second notice period commenced October 9, 1981. The Joint Committee on Administrative Rules had no objection to the August 20 rules. They are now ready for filing and final publication in the Illinois Register.

On September 24, 1981 the Board adopted a proposed Opinion reviewing the record and comments following the first notice. The Board received a comment from the Illinois Environmental Protection Agency (Agency) concerning the proposed Opinion and proposed Rule 412 concerning new source performance standards. The Agency indicates that, in addition to its objections to this rule in its original comments, it now believes that federal new source performance standards are not sufficiently stringent. The Agency believes that there is little evidence in R76-21 comparing new source performance standards to state limitations. The comparison is not obvious from the rules themselves because the federal rules are usually stated as a mass per unit of production in contrast to the State's concentration based standards. However, because the first notice period was over before the comment was received and because the Joint Committee on Administrative Rules has now passed on the rules, the Board is unable to delete Rule 412. The Board further notes that the Agency's comment was the only adverse comment on Rule 412.

The Board hereby adopts its proposed Opinion of September 24, 1981 as its final Opinion and the rules as set forth in the August 20, 1981 second notice Order. The Clerk is directed to file the rules with the Secretary of State and publish a notice of adopted rules in the Illinois Register.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 3<sup>RD</sup> day of December, 1981 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board