



ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

November 18, 2013

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Adam Pollet, Director
Department of Commerce and Economic Opportunity
100 W. Randolph St.
Chicago, Illinois 60601

Re: Request for Economic Impact Study for: **Coal Combustion Waste (CCW) Ash Ponds and Surface Impoundments at Power Generating Facilities: Proposed New 35 Ill. Adm. Code 841 (R14-10)**

Dear Director Pollet:

On October 28, 2013, the Illinois Environmental Protection Agency (Agency) filed a rulemaking proposal to add a Part 841 to the Board's waste disposal regulations. The Agency stated that it proposes

a rule of general applicability for coal combustion waste ("CCW") surface impoundments at power generating facilities. This proposed rule sets forth a process to monitor CCW surface impoundments and groundwater, as well as a process for preventive response, corrective action and closure. The proposed rule allows each owner or operator to develop a site-specific plan, for groundwater monitoring, preventive response, corrective action and closure. The proposed rule includes provisions for Agency review of plans and appeals of Agency decisions to the Board.

I write to request that the Department of Commerce and Economic Opportunity conduct an economic impact study concerning this proposal. For reasons explained below, we would appreciate your response to this request no later than Friday, January 31, 2014.

Since 1998, Section 27(b) of the Environmental Protection Act has required the Board to:

- (1) request that the Department of Commerce and Economic Opportunity conduct a study of the economic impact of the proposed rules. The Department may within 30 to 45 days of such request produce a study of the economic impact of the proposed rules. At a minimum, the economic impact study shall address

- (A) economic, environmental, and public health benefits that may be achieved through compliance with the proposed rules,
 - (B) the effects of the proposed rules on employment levels, commercial productivity, the economic growth of small businesses with 100 or less employees, and the State's overall economy, and
 - (C) the cost per unit of pollution reduced and the variability in cost based on the size of the facility and the percentage of company revenues expected to be used to implement the proposed rules; and
- (2) conduct at least one public hearing on the economic impact of those new rules. At least 20 days before the hearing, the Board shall notify the public of the hearing and make the economic impact study, or the Department of Commerce and Economic Opportunity's explanation for not producing an economic impact study, available to the public. Such public hearing may be held simultaneously or as a part of any Board hearing considering such new rules. 415 ILCS 5/27(b) (2010).

Although there is no decision deadline in this rulemaking, the Board intends to proceed promptly and is now preparing to schedule hearings in this matter. In the interest of administrative economy, the Board would like to combine the hearing required by Section 27(b) with a hearing on the substantive merits of the Agency's proposal. Under these circumstances, the Board respectfully asks that you determine whether the Department of Commerce and Economic Opportunity will conduct an economic impact study on the proposal and respond no later than Friday, January 31, 2014. If I or my staff can provide any additional information, please let me know.

Thank you in advance for your prompt response.

Sincerely,



Deanna Glosser, Ph.D., Chairman
Pollution Control Board

cc: John T. Therriault, Clerk of the Board