



# IPC

## Illinois Pollution Control Board

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May 17, 2021

Sylvia Garcia, Acting Director  
Department of Commerce and Economic Opportunity  
100 W. Randolph St., Suite 3-400  
Chicago, Illinois 60601

Re: Request for Economic Impact Study for Proposed New 35 Ill. Adm. Code 1501.100 to 1501.450 Drycleaner Environmental Trust Fund Act rule and repeal of 35 Ill. Adm. Code 1500.10 through 1500.70 and 2 Ill. Adm. Code 3100.10 through 3100.60 – PCB Docket R21-19.

Dear Acting Director Garcia:

I write to request that the Department of Commerce and Economic Opportunity (DCEO) conduct an economic impact study of the rulemaking proposal cited above. On March 18, 2021, the Illinois Pollution Control Board accepted the rulemaking proposal. In the proposal, the Illinois Environmental Protection Agency (the IEPA) proposes to implement Public Act 101-400, effective July 1, 2020, which amends to the Drycleaner Environmental Response Trust Fund Act (“DERT Fund Act”) and shifts responsibility of carrying out the regulations from the Drycleaner Environmental Response Trust Fund Council to the IEPA.

For the reasons below, we would appreciate your response to this request no later than July 1, 2021.

Section 27(b) of the Environmental Protection Act requires 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) (2018).

Although there is no decision deadline in this rulemaking, the Board is scheduling public hearings and would like to combine the hearing required by Section 27(b) with a hearing on the substantive merits of IEPA's proposal. Under these circumstances, the Board respectfully asks that you determine whether the DCEO will conduct an economic impact study on the proposal and respond no later than July 1, 2021. If my staff or I can provide any additional information, please let me know.

Thank you in advance for your prompt response.

Sincerely,

*Barbara Flynn Currie*

Barbara Flynn Currie, Chair  
Pollution Control Board

cc: Don A. Brown, Clerk of the Board

