

Electronic Filing: Received, Clerk's Office 11/18/2024 P.C. #74

From: [Horton, Vanessa](#)
To: [Brown, Don](#)
Subject: FW: R 22-18
Date: Monday, November 18, 2024 1:13:01 PM

Mr. Clerk,

Please docket the email thread below as a public comment in R22-18.

Thank you,

Vanessa Horton
Attorney Advisor
Illinois Pollution Control Board
60 E. Van Buren St., Suite 630
Chicago, IL 60605
(312) 814-5053
Vanessa.Horton@Illinois.gov

From: Horton, Vanessa
Sent: Monday, November 18, 2024 1:12 PM
To: Rivas, Tobias <TobiasR@ilga.gov>; Diers, Stefanie <Stefanie.Diers@Illinois.gov>
Cc: Terranova, Sara <Sara.Terranova@Illinois.gov>; Hutchison, Kaitlyn <Kaitlyn.Hutchison@Illinois.gov>; Schultz, Kimberly A. <KimberlyS@ilga.gov>
Subject: RE: R 22-18

Good afternoon, all,

At this point in the rulemaking proceedings, the Board and its staff cannot engage in *ex parte* communication with JCAR, IEPA, or any other participant. We can discuss scheduling and logistics, but any substantive discussion about the merits of the rulemaking must take place in a public forum. I will be asking our Clerk to docket this email thread as a public comment in R22-18.

Sincerely,

Vanessa Horton
Attorney Advisor
Illinois Pollution Control Board
60 E. Van Buren St., Suite 630
Chicago, IL 60605
(312) 814-5053
Vanessa.Horton@Illinois.gov

Electronic Filing: Received, Clerk's Office 11/18/2024 P.C. #74

From: Rivas, Tobias <TobiasR@ilga.gov>

Sent: Friday, November 15, 2024 3:37 PM

To: Diers, Stefanie <Stefanie.Diers@Illinois.gov>

Cc: Terranova, Sara <Sara.Terranova@Illinois.gov>; Horton, Vanessa <Vanessa.Horton@Illinois.gov>; Hutchison, Kaitlyn <Kaitlyn.Hutchison@Illinois.gov>; Schultz, Kimberly A. <KimberlyS@ilga.gov>

Subject: [External] RE: R 22-18

I do have a follow-up question on the materials you sent:

As I understand it, your position (backed by Board precedent in each prior groundwater standards update) is that remediation costs to meet groundwater standards are not considered costs of groundwater standards themselves, and should instead be considered when monitoring and corrective programs are updated or created in response to those new standards.

I would like to read the economic analysis that occurs for those subsequent rulemakings that *do* create or update corrective or monitoring programs in response to updated new groundwater quality standards. Could you point me to a docket number for such a rulemaking? Since it's relatively recent, maybe a rulemaking that implements compliance for the MTBE standards adopted in R01-14?

This is relevant because if IEPA is claiming that substantive economic impact analysis should occur downstream (so to speak) from this rulemaking, we would like to see what that analysis looks like.

Best,

Toby

From: Diers, Stefanie <Stefanie.Diers@Illinois.gov>

Sent: Friday, November 15, 2024 2:44 PM

To: Rivas, Tobias <TobiasR@ilga.gov>

Cc: Terranova, Sara <Sara.Terranova@Illinois.gov>; Horton, Vanessa <Vanessa.Horton@Illinois.gov>; Hutchison, Kaitlyn <Kaitlyn.Hutchison@Illinois.gov>; Schultz, Kimberly A. <KimberlyS@ilga.gov>

Subject: Re: R 22-18

Hi. We will send an invite shortly.

We will have several people on the call that have been involved in the rulemaking. You will see their names in the invite we send.

Please let me know if you need anything prior to the call.

Have a nice weekend.

Stefanie

From: Rivas, Tobias <TobiasR@ilga.gov>
Sent: Friday, November 15, 2024 2:39 PM
To: Diers, Stefanie <Stefanie.Diers@Illinois.gov>
Cc: Terranova, Sara <Sara.Terranova@Illinois.gov>; Horton, Vanessa <Vanessa.Horton@Illinois.gov>; Hutchison, Kaitlyn <Kaitlyn.Hutchison@Illinois.gov>; Schultz, Kimberly A. <KimberlyS@ilga.gov>
Subject: [External] RE: R 22-18

Hi Stefanie,

We can do 11/19. I will review those filings prior to the meeting. Kim Schultz, our executive director, will also join.

Best,

Toby Rivas
Joint Committee on Administrative Rules
(217) 785-2254
TobiasR@ilga.gov

From: Diers, Stefanie <Stefanie.Diers@Illinois.gov>
Sent: Friday, November 15, 2024 2:33 PM
To: Rivas, Tobias <TobiasR@ilga.gov>
Cc: Terranova, Sara <Sara.Terranova@Illinois.gov>; Horton, Vanessa <Vanessa.Horton@Illinois.gov>; Hutchison, Kaitlyn <Kaitlyn.Hutchison@Illinois.gov>
Subject: R 22-18

Hi Toby. The Agency could have a call on Tuesday November 19th from 11 to 12. If that time does not work, we would need to look at dates in December.

Based on the comments JCAR has received, I would encourage you to review the following filings in the R 22-18 docket, which describe the Board's historical approach to setting groundwater quality standards:

1. [IEPA's Statement of Reasons](#), Pages 22-26
2. [Illinois Attorney General's comments](#), Pages 5-9

I am including Hearing Officer Vanessa Horton from the Illinois Pollution Control Board on this email, so the Board and others are aware of this meeting.

Please let me know if you have any questions or concerns.

Thanks,

Stefanie

Stefanie N. Diers

Illinois EPA

Deputy General Counsel, Water Regulatory Unit

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217-782-5544

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