

ILLINOIS POLLUTION CONTROL BOARD



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September 18, 2008

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CLERK'S OFFICE

SEP 18 2008

STATE OF ILLINOIS
Pollution Control Board

Jack Lavin, Director
Department of Commerce and Economic Opportunity
620 East Adams Street, S-6
Springfield, Illinois 62704

Re: Request for Economic Impact Study for: Proposed Site Specific Rule for City of Springfield, Illinois, Office of Public Utilities, City Water, Light and Power and Springfield Metro Sanitary District from 35 Ill. Adm. Code 302.208(g): New 35 Ill. Adm. Code 303.446 R09-8

Dear Director Lavin:

On September 16, 2008, the Board accepted for hearing a rulemaking entitled: Proposed Site Specific Rule for City of Springfield, Illinois, Office of Public Utilities, City Water, Light and Power and Springfield Metro Sanitary District from 35 Ill. Adm. Code 302.208(g): New 35 Ill. Adm. Code 303.446. I am writing to request that your Department conduct an economic impact study concerning this proposal. The proposal filed by City of Springfield, Office of Public Utilities, City Water, Light and Power and Springfield Metro Sanitary District, seeks to establish an alternative water quality standard for boron from the discharge point at the Spring Creek Sanitary Treatment Plant (Spring Creek STP) to the Sangamon River to its confluence with the Illinois River and 100 yards downstream from the confluence in the Illinois River. The Board is in the process of scheduling initial hearings in this rulemaking, and expects to hold them within the next 60 days. Although there is no decision deadline in this rulemaking, the Board granted a request to expedite the review of the rule. Therefore, the Board has proceeded to first notice under the Illinois Administrative Procedure Act (5 ILCS 100/5 *et. seq.* (2006)) and asks that you respond to this request as soon as you conveniently can.

The alternative water quality standard is requested to allow the District to accept a pretreated industrial effluent stream from CWLP's power station. The operation of air pollution equipment at CWLP's power plant causes elevated concentrations of boron in the effluent that is proposed to be sent to the Spring Creek STP. CWLP's power plant is a critical power supplier for the City and surrounding communities and the alternative water quality standard is necessary to enable CWLP to operate the power plant in compliance with CWLP's national pollutant discharge elimination system (NPDES) permit.

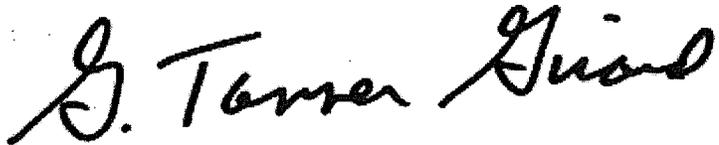
The proposal states that treatment of the effluent to meet the general use water quality standard for boron is neither technically feasible nor economically reasonable and alternatives to the site-specific rule would have a significant economic impact on CWLP and the customers of CWLP.

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 (formerly the Department of Commerce and Community Affairs) 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 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 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) (2004).

If I, or my staff, can provide you with any additional information, please let me know. Thank you in advance for your prompt response.

Sincerely,



G. Tanner Girard,
Acting Chairman
Pollution Control Board

cc: Warren Ribley, DCEO
John T. Therriault, Assistant Clerk