



# ILLINOIS POLLUTION CONTROL BOARD

October 5, 2009

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**OCT 05 2009**

**STATE OF ILLINOIS**  
Pollution Control Board

**GOVERNOR**

Rod R. Blagojevich

**CHAIRMAN**

G. Tanner Girard, Ph.D.

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

Re: Request for Economic Impact Study for: Financial Assurance Instruments—Renewal and Terms: Amendments to 35 Ill. Adm. Code 807.Subpart F, 810.104, and 811.Subpart G, R10-9

Dear Director Ribley:

On August 6, 2009, the Board accepted for hearing a rulemaking entitled: Request for Economic Impact Study for: Financial Assurance Instruments—Renewal and Terms: Amendments to 35 Ill. Adm. Code 807.Subpart F, 810.104, and 811.Subpart G. I am writing to request that your Department conduct an economic impact study concerning this proposal.

The proposal filed by the Illinois Environmental Protection Agency (Agency), seeks to revise various provisions of the non-hazardous waste landfill financial assurance rules. The Agency explained that the amendments would (1) add evergreen renewal language to bonds and letters of credit used to provide landfill financial assurance; and (2) shorten the required minimum term of these instruments. The Agency further stated that the revisions would make the landfill financial assurance rules more consistent with the similar provisions pertaining to hazardous waste and other facilities. The Agency added that the amendments would reduce the burden of administering the solid waste landfill regulations and shift more of the burden of assuring continuity of financial assurance coverage onto regulated facilities.

The Board is in the process of scheduling hearings in this rulemaking, and expects to hold them within the next 60 days. There is no decision deadline in this rulemaking, the Board has not received a request to expedite the review of the rule. The Board will proceed to first notice under the Illinois Administrative Procedure Act (5 ILCS 100/5 *et. seq.* (2008)) in the near future. The Board requests that you respond to this request as soon as you conveniently can.

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**WEB SITE**

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

- 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) (2008).

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

Sincerely,

A handwritten signature in black ink that reads "G. Tanner Girard". The signature is written in a cursive, flowing style.

G. Tanner Girard,  
Acting Chairman  
Pollution Control Board

cc: John T. Therriault, Assistant Clerk