



ILLINOIS POLLUTION CONTROL BOARD

GOVERNOR

CHAIRMAN

G. Tanner Girard, Ph.D.

November 5, 2009

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

RECEIVED
CLERK'S OFFICE

NOV 05 2009

STATE OF ILLINOIS
Pollution Control Board

Re: Request for Economic Impact Study for: **Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group III Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 218 and 219 (R10-10)**

Dear Director Ribley:

On November 5, 2009, the Board accepted for hearing a proposal entitled Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group III Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 218 and 219 (Board Docket R10-10). Generally, the Agency proposes to adopt air pollution regulations to control emissions of volatile organic material from Group III Consumer & Commercial Products in ozone nonattainment areas classified as moderate and above. Group III includes the following product categories: paper, film, and foil coatings; metal furniture coatings; and large appliance coatings. I write to request that your Department conduct an economic impact study concerning this proposal.

This rulemaking was filed with the Board on October 23, 2009, by the Illinois Environmental Protection Agency under the "fast-track" rulemaking authority at Section 28.5 of the Act, which was recently re-enacted by Public Act 96-0308, effective August 11, 2009. Section 28.5 requires the Board to proceed toward adoption of the proposed regulations by meeting a series of strict deadlines. Specifically, the Board must hold at least two, and possibly three, hearings on the proposal. Additionally, the Board must submit the proposed amendments to the Joint Committee on Administrative Rules on or before either March 2, 2010, or March 22, 2010 (130 or 150 days after the proposal's filing), depending on whether the Board holds two or three hearings. The Board has scheduled hearings in this rulemaking to begin on December 9, 2009, January 6, 2010, and January 20, 2010. The Board respectfully requests that your Department expedite its determination whether it will conduct an economic impact study on the proposal and respond no later than Tuesday, December 15, 2009.

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

SPRINGFIELD OFFICE

1021 North Grand Ave. East
P.O. Box 19274
Springfield, IL
62794-9274
217-524-8500
FAX 217-524-8508

CHICAGO OFFICE

James R. Thompson Center
100 West Randolph
Suite 11500
Chicago, IL 60601
312-814-3620
FAX 312-814-3609
TVS 312-814-6032

WEB SITE

www.ipcb.state.il.us

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).

The Board intends to proceed promptly with this rulemaking as required by Section 28.5 of the Act, and asks that you determine whether DCEO will conduct an economic impact study on the proposal and respond no later than Tuesday, December 15, 2009. 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: John T. Therriault, Assistant Clerk of the Board