



ILLINOIS POLLUTION CONTROL BOARD

December 1, 2010

GOVERNOR

~~Rod R. Blagojevich~~

CHAIRMAN

G. Tanner Girard, Ph.D.

Warren Ribley, Director
Department of Commerce and Economic Opportunity
500 East Monroe Street
Springfield, Illinois 62701

Re: Request for Economic Impact Study for: Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742
Board Docket R11-9

Dear Director Ribley:

I am writing to request that your Department conduct an economic impact study concerning the above rulemaking proposal. On November 9, 2010, the Illinois Environmental Protection Agency (IEPA) filed the proposal to amend the Board's rules concerning the Tiered Approach to Corrective Action Objectives (TACO). The TACO rules are set forth in Part 742 of Title 35 of the Illinois Administrative Code (35 Ill. Adm. Code 742). IEPA filed the proposal under Section 27 of the Environmental Protection Act (415 ILCS 5/27 (2008)).

The TACO rules provide procedures to develop remediation objectives based on risks to human health posed by environmental conditions at a site. With these proposed amendments, IEPA seeks to add the indoor inhalation exposure route to TACO's risk-based methodology. According to IEPA, these amendments are designed to "protect building occupants from volatile chemicals that have the potential to migrate from the soil and groundwater to indoor air." This migration is commonly known as "vapor intrusion."

Section 27(b) of the Environmental Protection Act requires 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

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 11-500
Chicago, IL 60601
312-814-3620
FAX 312-814-3669
TTY 312-814-6032

WEB SITE

www.ipcb.state.il.us



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) (2008).

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,

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

G. Tanner Girard,
Acting Chairman
Pollution Control Board

cc: John T. Therriault, Assistant Clerk