



# ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS  
Pollution Control Board

GOVERNOR

~~Rand R. Blawie~~

CHAIRMAN

G. Tanner Girard, Ph.D.

December 3, 2010

Warren Ribley, Director  
Department of Commerce and Economic Opportunity  
500 E. Monroe  
Springfield, Illinois 62701

Re: Request for Economic Impact Study for: **In the Matte of: Proposed Site-Specific NO<sub>x</sub> Rule Applicable to Saint-Gobain Containers, Inc. at 35 Ill. Adm. Code 217.152(b) (R11-17)**

Dear Director Ribley:

On December 2, 2010, the Board accepted for hearing a proposal entitled In the Matte of: Proposed Site-Specific NO<sub>x</sub> Rule Applicable to Saint-Gobain Containers, Inc. at 35 Ill. Adm. Code 217.152(b) (Board Docket R11-17).

Saint-Gobain Containers, Inc. (SGCI) owns and operates a glass manufacturing plant, including three glass melting furnaces, at 13850 Cottage Grove Avenue in Dolton. The Board's air pollution regulations at 35 Ill. Adm. Code 217.204 require specified glass melting furnaces to meet a nitrogen oxides (NO<sub>x</sub>) emissions limitation of 5.0 lb/ton of glass produced by January 1, 2012. The regulations include an alternative compliance date of December 31, 2014 for units required to meet NO<sub>x</sub> emissions limitations that are included in a legally enforceable order on or before December 31, 2009, where such emissions limitations are less than 30 percent of the limit of 5.0 lb/ton of glass produced.

SCGI sought an alternative compliance date because of an agreement that was being negotiated between SGCI and other entities at the time the Board promulgated the applicable NO<sub>x</sub> limitations. SGCI has suggested that, although the participants in the Board's rulemaking process expected a qualifying agreement by the December 31, 2009, federal court did not enter a qualifying Consent Decree until May 7, 2010. SGCI states that, in order for its Dolton plant to qualify for the December 31, 2014 compliance date, it proposes to change the deadline for obtaining a legally enforceable order to May 7, 2010.

I write to request that your Department conduct an economic impact study concerning this proposal.

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

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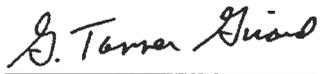
1) request that the Department of Commerce and Economic Opportunity (formerly the Department of Commerce and Community Affairs) conduct a study of the economic impact of the proposed rules. The Department may within 30 to 45 days of such request produce a study of the economic impact of the proposed 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 has committed to avoid delay in completing its record in this proceeding and asks that you determine whether DCEO will conduct an economic impact study on the proposal and respond no later than Monday, January 3, 2011. In requesting a response by this date, we note the statutory language cited above requiring the Board to make your determination available to the public 20 days before conducting a hearing, which we anticipate holding on Thursday, February 3, 2011. 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