



ILLINOIS POLLUTION CONTROL BOARD

June 27, 2012

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David Vaught, Director
Department of Commerce and Economic Opportunity
James R. Thompson Center
100 W. Randolph St.—Suite 3-400
Chicago, IL 60601

**ORIGINAL
RETURN TO CLERK'S OFFICE**

Re: Request for Economic Impact Study for:
Triennial Review of Water Quality Standards for Boron, Fluoride and Manganese: Amendments to 35 Ill. Adm. Code 301.106, 302.Subparts B, C, E, F and 303.312, Board Docket R11-18

Dear Director Vaught:

On December 16, 2010, the Board accepted for hearing a December 2, 2010 regulatory proposal filed by the Illinois Environmental Protection Agency in In the Matter of: Triennial Review of Water Quality Standards for Boron, Fluoride and Manganese: Amendments to 35 Ill. Adm. Code 301.106, 302.Subparts B, C, E, F and 303.312. The Board conducted two public hearings on the proposal. Then, on March 15, 2012, the Board authorized first-notice publication of the proposal under the Administrative Procedure Act (APA), 415 ILCS 5/100 *et. seq.* (2010). The proposed rules were published at 36 *Illinois Register* 5713 (April 13, 2012).

I am writing to request that your Department conduct an economic impact study concerning this proposal. (The Board had previously submitted these routine letters to the Director's Springfield Office, but the Board will be submitting them to the Chicago address consistent with your website listing.) For reasons explained below, if at all possible, we would appreciate your response to this request no later than August 1, 2012.

In the Statement of Reasons (SR) accompanying the proposal, the Agency stated that the proposal is the culmination of the "triennial review" of standards required by the Federal Water Pollution Control Act (FWPCA or Clean Water Act), 33 USC 1313. SR at 1. The proposal "includes updated water quality standards for boron, fluoride and manganese and a handful of clean-up amendments and updates to [35 Ill. Adm. Code] Part 302 ...and a repeal of Section 303.312." SR at 1-2. While there was initial concern expressed by some sources concerning ability to comply with the proposed updated standards, these appear to have been resolved.

All of the documents in the record in this rulemaking are available electronically on the Board's website. For your convenience, the following is a

direct link to the docket sheet in the rulemaking:

<https://www.ipcb.state.il.us/COOL/INTERNAL/CaseEdit.aspx?referer=results&case=13968>.

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) (2010).

There is no decision deadline in this rulemaking, but the Board has been requested to conclude this rulemaking expeditiously by public commenters. The Board has tentatively scheduled the hearing required under Section 27(b)(2) on this proposal for August 23, 2012. Under these circumstances, the Board asks that you respond to this request as soon as you conveniently can, but in any event no later than August 1, 2012; this would allow the Board to give the public the 20-day notice of the results of your decisionmaking required by Section 27(b) of the Act. 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 cursive script, reading "Thomas A. Holbrook". The signature is written in dark ink and is positioned above the typed name.

Thomas A. Holbrook
Chairman

cc: John T. Therriault, Assistant Clerk of the Board