



# ILLINOIS POLLUTION CONTROL BOARD

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## SPRINGFIELD OFFICE

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



## CHICAGO OFFICE

James R. Thompson Center  
100 West Randolph  
Suite 11-500  
Chicago, IL  
60601-3233  
FAX 312-814-3669  
TTY 312-814-6032



## WEB SITE

[www.ipcb.state.il.us](http://www.ipcb.state.il.us)

September 20, 2012

David H. Vaught, Director  
Department of Commerce and Economic Opportunity  
500 E. Monroe IL-12  
Springfield, Illinois 62701

Re: Request for Economic Impact Study for: Proposed Amendments to Special Waste Hauling Permit Regulations to Implement Public Act 97-1081: 35 Ill. Adm. Code 809.204 and 809.212 (R13-8)

Dear Director Vaught:

On September 20, 2012, the Board proposed amendments to Part 809 of its solid waste and special waste hauling regulations for first-notice publication in the *Illinois Register* without commenting on their substantive merits. *See* 35 Ill. Adm. Code 809. The Board proposed to implement a provision of Public Act 97-1081, effective August 24, 2012, amending Section 22.2(l) of the Environmental Protection Act (Act) by extending the duration of special waste hauling permits from one year to three years. *See* 415 ILCS 5/22.2(l) (2010); Public Act 97-1081. The Board proposed to amend 35 Ill. Adm. Code 809.212 (Duration of Special Waste Hauling Permits) to make it consistent with this statutory revision. The Board also proposed to amend 35 Ill. Adm. Code 809.204(a) (Applications for Special Waste Hauling Permit - Filing and Final Action by the Agency) to clarify that special waste hauling permit application fees are established by statute.

Although the Board expects that any economic effects of its proposal stem from Public Act 97-1081 itself, I write to request that the Department of Commerce and Economic Opportunity conduct an economic impact study concerning this proposal. For reasons explained below, we would appreciate your response to this request no later than Thursday, October 25, 2012.

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 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

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- (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 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) (2010).

Although there is no decision deadline in this rulemaking, the Board intends to proceed promptly in order to make its rules consistent with statutory changes that apply beginning on January 1, 2013. In the interest of administrative economy, the Board would like to combine the hearing required by Section 27(b) with a hearing to be held on Thursday, November 15, 2012. Under these circumstances, the Board respectfully asks that you determine whether the Department of Commerce and Economic Opportunity will conduct an economic impact study on the proposal and respond no later than Thursday, October 25, 2012. This would allow the Board to provide the 20-day notice of the Department's decision, as required by Section 27(b). If I, or my staff, can provide any additional information, please let me know.

Thank you in advance for your prompt response.

Sincerely,



Thomas Holbrook  
Chairman  
Pollution Control Board

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