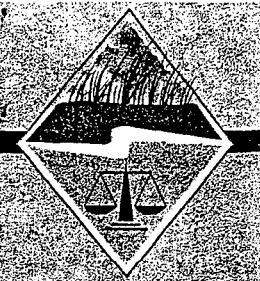


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APR 24 2003

ILLINOIS POLLUTION CONTROL BOARD  
STATE OF ILLINOIS  
Pollution Control Board



April 9, 2003

R03-21

Jack Lavin, Acting Director  
Department of Commerce and Community Affairs  
620 East Adams Street, S-6  
Springfield, Illinois 62704

Re: Request for Economic Impact Study for  
**In the Matter of: Amendments to 35 Ill. Adm. Code 602.105, 602.106,  
602.108, and 602.115**

Dear Director Lavin:

The Pollution Control Board (Board) has initiated a rulemaking to amend its public water supply regulations at 35 Ill. Adm. Code 602. I am writing to request that you determine whether your Department will conduct an economic impact study concerning this proposal

On April 7, 2003 the Illinois Environmental Protection Agency (Agency) filed a proposal to amend the Board's public water supply (PWS) rules for restricted status/standards of permit issuance as they apply to maximum contaminant levels restricting radium and gross alpha particle activity in drinking water. This will allow the Agency to continue issuing permits to PWS who are under 1) enforceable court orders, or 2) compliance commitment agreements that include schedules for compliance with these standards. This would extend rules originally adopted by the Board in Docket R96-18, written to "sunset" as of the effective date of the new USEPA radionuclide standards: December 8, 2003.

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

- 1) "request that 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

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7

(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 Community Affairs' 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) (2002).

The Agency has asked the Board to proceed with this proposal expeditiously. The Board has scheduled two hearings on this rulemaking proposal for May 8, 2003 and May 15, 2003. The Board would like to consider your Department's response to this request at the May 15, 2003 hearing.

The Board anticipates a high volume of rulemaking in the coming year. Your Department can anticipate receiving many requests for economic studies this year. A review of the Department's files will reveal to you that DCCA has not conducted any economic studies since 1998 due to fiscal constraints. A review of Board rulemaking opinions and orders since then would reveal that the Department's decision not to perform economic impact studies has not been questioned at any Board hearing.

If I, or my staff, can provide you with any additional information, please let me know. While the Board can proceed to hold hearings while awaiting your decision, the Environmental Protection Act does not allow the Board to complete its rulemaking process without your Department's input.

Thank you for your early response.

Sincerely,



Tom Johnson  
Chairman, Pollution Control Board

Cc: Dorothy M. Gunn, Clerk  
Erin Conley, Rules Coordinator

Encl. R03-21 proposal