



ILLINOIS POLLUTION CONTROL BOARD

GOVERNOR

Rod R. Blagojevich

CHAIRMAN

G. Tanner Girard, Ph.D.

February 22, 2006

Jack Lavin, Director
Department of Commerce and Economic Opportunity
620 East Adams Street, S-6
Springfield, Illinois 62704

RECEIVED
CLERK'S OFFICE

FEB 27 2006

STATE OF ILLINOIS
Pollution Control Board

Re: Request for Economic Impact Study for: **Standards and Requirements for Portable Well Surveys and for Community Relations Activities Performed in Conjunction with Agency Notices of Threats from Contamination Under P.A. 94-134: New 35 Ill. Adm. Code 1505 (R06-23)**

Dear Director Lavin:

The Pollution Control Board (Board) has received a rulemaking proposal from the Illinois Environmental Protection Agency on January 20, 2006. The proposal, which is driven by statutory amendments in P.A. 94-314, seeks to add a new Part to the Board's regulations that sets standards and requirements for potable water well surveys and for community relations activities, where appropriate, in response to impacts or threats from contamination. Under the statutory timeframes of P.A. 94-314, the Board must adopt final rules in this rulemaking no later than September 17, 2006, and thus has expects to scheduled the first hearing in late March or early April 2006.

I am writing to request that you determine whether your Department will conduct an economic impact study concerning this proposal.

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

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(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) (2004).

To meet the Board's September 17, 2006 rule adoption deadline, the Board will need to issue a first notice order no later than April 2006 and a second notice order no later than June 2006. The Board expects to schedule the first hearing date for this rulemaking in late March or early April, and expects to schedule another soon afterwards. I would greatly appreciate a response from you concerning DCEO's position on whether it will perform the economic impact study as soon as is possible. To allow the Board to comply with the pre-hearing notice requirement of Section 27(b)(2), the Board requests that you expedite your consideration of this issue. The Board would appreciate your initial response on or before March 15, 2006, and that any study be filed no later than April 1, 2006.

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,



G. Tanner Girard
Acting Chairman
Pollution Control Board

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