

ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

July 31, 2007

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

Re: Request for Economic Impact Study for: **Site Specific Rule for City of Joliet Wastewater Treatment Plant, Fluoride and Copper Discharges, 35 Ill. Adm. Code 303.432 (R07-21)**

Dear Director Lavin:

On June 21, 2007, the Board accepted a proposal for hearing in Site Specific Rule for City of Joliet Wastewater Treatment Plant, Fluoride and Copper Discharges, 35 Ill. Adm. Code 303.432 (R07-21). I am writing to request that your Department conduct an economic impact study concerning this site-specific proposal. The rulemaking is based on a proposal filed by the City of Joliet (Joliet) to amend the Board's general use water quality standards for copper and fluoride. The Board is in the process of scheduling hearings in this rulemaking.

The proposed amendments would add site-specific copper and fluoride discharge limits that would apply to Joliet's Eastside wastewater treatment plant (Eastside WWTP), which is located at 1021 McKinley Avenue in Joliet and serves approximately 90,000 customers. In its filing, Joliet explained that it entered into a Consent Order with the Illinois Attorney General and the Illinois Environmental Protection Agency (Agency) in the Circuit Court for the Twelfth Judicial Circuit in Will County, Illinois, on March 30, 2007. Joliet explained in its filing that it filed its **site-specific rulemaking because the Consent Order includes an expectation that Joliet would seek permanent relief from the copper and fluoride limits. The interim limit in the Consent Order expires either on May 31, 2007, or on the date "upon which a final decision regarding same could not be appealed."** Joliet asserted that compliance with the general rule is not technically or economically reasonable.

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

GOVERNOR
G. Taylor G. Gaudin, Ph.D.

WEBSITE
www.pcb.state.il.us

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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

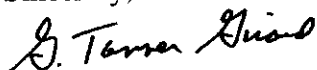
(2) conduct at least one public hearing on the economic impact of those rules. At least 20 days before the hearing, the Board shall notify the public of the hearing and make the economic impact study, or the Department of Commerce and Economic Opportunity's explanation for not producing an economic impact 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) (2004).

I would greatly appreciate a response from you concerning DCEO's position on whether it will perform the economic impact study by September 14, 2007.

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: Warren Ribley, DCEO
John T. Therriault, Assistant Clerk of the Board