

# ILLINOIS POLLUTION CONTROL BOARD

June 24, 2010  
Warren Ribley, Director  
Department of Commerce and Economic Opportunity  
620 East Adams Street, S-6  
Springfield, Illinois 62704

Re: Request for Economic Impact Study for: In the Matter of: 10-Year Federally Enforceable State Operating Permits (FESOP) Amendments to 35 Ill. Adm. Code Part 201.162, R10-21

Dear Director Ribley:

On May 6, 2010, the Board accepted for hearing an April 20, 2010 regulatory proposal filed by the Illinois Environmental Protection Agency in In the Matter of: 10-Year Federally Enforceable State Operating Permits (FESOP) Amendments to 35 Ill. Adm. Code Part 201.162.

On June 17, 2010, the Board authorized first-notice publication of the proposal without comment on the proposal's merits under the Administrative Procedure Act (APA), 415 ILCS 5/100 *et. seq.* (2008). I am writing to request that your Department conduct an economic impact study concerning this proposal. For reasons explained below, if at all possible, we would appreciate your response to this request no later than June 30, 2010.

In the Statement of Reasons (SR) accompanying the proposal, the Agency stated that this proposal would extend from five years to ten years the maximum term that the Agency could issue a Federally Enforceable State Operating Permit (FESOP). SR at 1-2. The sole provision of the air rules to be amended is Section 201.162, codified at 35 Ill. Adm. Code 201.162. The Agency relates that two other states have adopted or are in the process of adopting rules extending the term of FESOPs from five to 10 years; final USEPA approval for Indiana's rule was published at 74 Fed.Reg. 51240 (Oct. 6, 2009). SR at 3, and Att. A.

The proposal indicates that extending the permissible permit term from 5 to 10 years will result in cost savings (which could be considerable) to the Agency and the regulated community. At Agency request, the Board has expedited the scheduling of hearings. Consequently, hearings are scheduled for July 8, 2009 in Chicago and July 21, 2009 in Springfield.

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



GOVERNOR

~~Pat Quinn~~

CHAIRMAN

G. Tanner Girard, Ph.D.

## SPRINGFIELD OFFICE

1021 North Grand Ave. East  
P.O. Box 19274  
Springfield, IL  
62794-9274  
217-524-8500  
FAX 217-524-8508

## CHICAGO OFFICE

James R. Thompson Center  
100 West Randolph  
Suite 11-500  
Chicago, IL 60601  
312-814-3620  
FAX 312-814-3669  
TTY 312-814-6032

WEB SITE

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

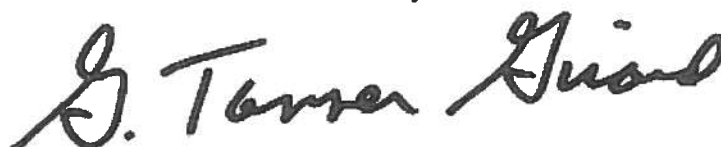
may be achieved through compliance with the proposed rules, b) the effects of the proposed rules on employment levels, commercial productivity, the economic growth of small businesses with 100 or less employees, and the State's overall economy, and c) the cost per unit of pollution reduced and the variability 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) (2006).

There is no decision deadline in this rulemaking, but the Board intends to proceed expeditiously. The Board has scheduled a hearing on this proposal for July 8 and July 21, 2010, and due to budget constraints does not intend to hold a third hearing. 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 June 30, 2010; 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 black ink that reads "G. Tanner Girard". The signature is written in a cursive, flowing style.

G. Tanner Girard  
Acting Chairman

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