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March 22, 2012

Warren Ribley, Director
Department of Commerce and Economic Opportunity
500 E. Monroe IL-12
Springfield, Illinois 62701

Re: Request for Economic Impact Study for: **Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code 501, 502, and 504, (R12-23)**

Dear Director Ribley:

On March 15, 2012, the Board accepted for hearing a proposal filed by the Illinois Environmental Protection Agency (Agency) and docketed as Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code 501, 502, and 504, (R12-23). In the Statement of Reasons filed with its proposal, the Agency stated that the proposed amendments intend "to update the existing regulations so that they are consistent with, and as stringent as, the current federal CAFO regulations." The Agency stated that it also proposes to adopt the technical standards that are required but not prescribed by the federal rule. I write to request that your Department conduct an economic impact study concerning this proposal.

Section 27(b) of the Environmental Protection Act requires that the Board:

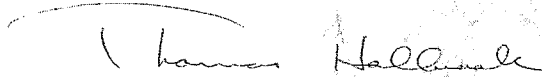
- (1) request that the Department of Commerce and Economic Opportunity conduct a study of the economic impact of the proposed rules. The Department may within 30 to 45 days of such request produce a study of the economic impact of the proposed rules. At a minimum, the economic impact study shall address
 - (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).

The Board intends to proceed promptly with this rulemaking and asks that you determine whether DCEO will conduct an economic impact study on the proposal and respond no later than Tuesday, May 1, 2012. 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,



Thomas Holbrook
Chairman
Pollution Control Board

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