



# ILLINOIS POLLUTION CONTROL BOARD

June 27, 2012

**GOVERNOR**

Pat Quinn

David Vaught, Director  
Department of Commerce and Economic Opportunity  
James R. Thompson Center  
100 W. Randolph St.—Suite 3-400  
Chicago, IL 60601

**ORIGINAL  
RETURN TO CLERK'S OFFICE**

**CHAIRMAN**

Thomas Holbrook

Re: Request for Economic Impact Study for:  
In the Matter of: Gasoline Volatility Standards and Motor Vehicle Refinishing;  
Proposed Amendments to 35 Ill. Adm. Code Parts 211, 215, 218, and 219  
Board Docket R12-24

Dear Director Vaught:

**MEMBERS**

Jennifer Burke

Deanna Glosser

Thomas E. Johnson

Carrie Zalewski

On April 19, 2012, the Board accepted for hearing an April 2, 2012 regulatory proposal filed by the Illinois Environmental Protection Agency (Agency) in In the Matter of: Gasoline Volatility Standards and Motor Vehicle Refinishing; Proposed Amendments to 35 Ill. Adm. Code Parts 211, 215, 218, and 219, Board Docket R12-24. The April 19 order also authorized first-notice publication of the proposal under the Administrative Procedure Act (APA), 415 ILCS 5/100 *et. seq.* (2010). (The Board ordered publication without comment on the proposal's merits). The proposed rules were published at 36 *Illinois Register* 6913 (May 19, 2012).

**SPRINGFIELD OFFICE**

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

I am writing to request that your Department conduct an economic impact study concerning this proposal. (The Board had previously submitted these routine letters to the Director's Springfield Office, but is now submitting them to this address consistent with your website.) For reasons explained below, if at all possible, we would appreciate your response to this request no later than August 1, 2012.

**CHICAGO OFFICE**

James R. Thompson Center  
100 West Randolph  
Suite 11-500  
Chicago, IL  
60601-3233  
FAX 312-814-3669  
TTY 312-814-6032

In the Statement of Reasons (SR) accompanying the proposal, the Agency stated that it proposes repeal of the state gasoline volatility standards in ozone attainment areas codified at 35 Ill. Adm. Code 215.585, since these have been replaced by federal standards. SR at 1-2. The Agency also proposes repeal of the state standards in the Chicago and Metro-East non-attainment areas (respectively, 35 Ill. Adm. Code 218.585 and 35 Ill. Adm. Code 219.585), because they have "essentially been superseded by Illinois participation in the Federal reformulated gasoline (RFG) program." SR at 2. Various clean-up amendments are also proposed, as necessitated by the proposed repeal. *Id.*

The proposal would impact motor vehicle refinishing operations by allowing, in application of spray coatings, alternative use of a High Volume Low

**WEB SITE**

www.ipcb.state.il.us

35 Ill. Adm. Code 218.784 and 219.784). It would also repeal a state registration program, codified at 35 Ill. Adm. Code 218.792.784 and 219.792, that overlaps with the federal program. SR at 1.

All of the documents in the record in this rulemaking are available electronically on the Board's website. For your convenience, the following is a direct link to the docket sheet in the rulemaking:

<https://www.ipcb.state.il.us/COOL/INTERNAL/CaseEdit.aspx?referer=results&case=14366>

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
- (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) (2010).

There is no decision deadline in this rulemaking, but the Agency proposal requested the Board to conclude this rulemaking expeditiously. The Board's hearing officer is in the process of scheduling hearings. In the interests of administrative economy, the Board would like to dovetail the hearing required under Section 27(b)(2) on this proposal with another hearing in this docket being scheduled for August 23, 2012.

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 August 1, 2012; 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 cursive script that reads "Thomas Holbrook". The signature is written in dark ink on a white background.

Thomas A. Holbrook  
Chairman

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