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October 25, 2017

Sean McCarthy, Director
Department of Commerce and Economic Opportunity
100 W. Randolph St., Suite 3-400
Chicago, Illinois 60601

Re: Request for Economic Impact Study for <u>In the Matter of: Noise Rule Update: Amendments to 35 Ill. Adm. Code Parts 900, 901, 902, and 910</u>, Board Docket R18-19.

Dear Director McCarthy:

I write to request that the Department of Commerce and Economic Opportunity conduct an economic impact study of the rulemaking proposal cited above. On October 5, 2017, the Board initiated this docket pursuant to Part 102 of the Board's procedural rules (35 Ill. Adm. Code 102. Subpart B) and Sections 27 and 28 of the Illinois Environmental Protection Act (415 ILCS 5/27, 28 (2016)). This review is part of a broader review of Board's rules started in the summer of 2016, aimed to streamline, update, and overhaul Board's regulations. The rules affected are general provisions addressing the definitions of acoustical terminology, noise emissions standards for property-line-noise-sources and motor vehicles, and sound measurement procedures; they also include site-specific provisions. Proposed amendments update definitions, references, and sound measurement procedures. They also clarify language in some sections and remove provisions that are no longer applicable or necessary.

For the reasons below, we would appreciate your response to this request no later than December 11, 2017.

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

(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) (2016).

Although there is no decision deadline in this rulemaking, in the interest of administrative economy, the Board would like to combine the hearing required by Section 27(b) with a hearing on the substantive merits the proposal. Under these circumstances, the Board respectfully asks that you determine whether the Department of Commerce and Economic Opportunity will conduct an economic impact study on the proposal and respond no later than December 11, 2017. If I or my staff can provide any additional information, please let me know.

Thank you in advance for your prompt response.

Sincerely,

Katie Papadimitriu, Chairman
Pollution Control Board

cc: Don A. Brown, Clerk of the Board