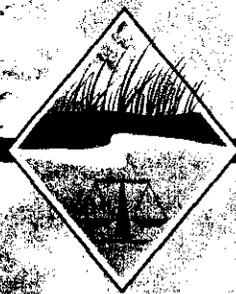


ILLINOIS POLLUTION CONTROL BOARD



GOVERNOR

Rod R. Blagojevich

CHAIRMAN

G. Tanner Girard, Ph.D.

January 10, 2006

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CLERK'S OFFICE

JAN 13 2006

STATE OF ILLINOIS
Pollution Control Board

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: Clean Construction or Demolition Debris Fill Operations Under P.A. 94-272 (35 Ill. Adm. Code Part 1100) (R06-19)

Dear Director Lavin:

The Pollution Control Board (Board) has received a rulemaking proposal from the Illinois Environmental Protection Agency on November 21, 2005. The proposal, which is driven by statutory amendments in P.A. 94-272, seeks to add a new Part to the Board's regulations governing the use of clean construction or demolition debris (CCDD) as fill material in current and former quarries, mines, and other excavations. Under the statutory timeframes of P.A. 94-272, the Board must adopt final rules in this rulemaking no later than September 1, 2006, and thus has already scheduled hearings in this matter for January 26, 2006 in Chicago and March 1, 2006 in Springfield.

I am writing to request that you determine whether your Department will conduct an economic impact study concerning this proposal.

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

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



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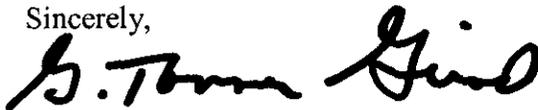
(2) conduct at least one public hearing on the economic impact of those rules. At least 20 days before the hearing, the Board shall notify the public of the hearing and make the economic impact study, or the Department of Commerce and Economic Opportunity's explanation for not producing an economic impact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

As the Board has already scheduled hearing dates for this rulemaking, I would greatly appreciate a response from you concerning DCEO's position on whether it will perform the economic impact study as soon as is possible. To allow the Board to comply with the pre-hearing notice requirement of Section 27(b)(2), the Board requests that you expedite your consideration of this issue. To allow the Board to address the economic impact study issued at the scheduled March 1, 2006 hearing, the Board would appreciate a response by February 9, 2006.

If I, or my staff, can provide you with any additional information, please let me know. While the Board can proceed to hold hearings while awaiting your decision, the Environmental Protection Act does not allow the Board to complete its rulemaking process without your Department's input.

Thank you for your early response.

Sincerely,



G. Tanner Girard
Acting Chairman
Pollution Control Board

Cc: Dorothy M. Gunn, Clerk
Erin Conley, Rules Coordinator