



ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

March 2, 2006

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: **Revisions to Water Quality Standards for Total Dissolved Solids in the Lower Des Plaines River for Exxon Mobil Oil Corporation: Proposed 35 Ill. Adm. Code 303.445 (R06-24)**

Dear Director Lavin:

The Pollution Control Board (Board) received a rulemaking proposal from the ExxonMobil Oil Corporation (ExxonMobil) on February 7, 2006 that seeks to authorize discharges of Total Dissolved Solids (TDS) from the ExxonMobil Joliet Refinery during the months of November through April. The Board has granted a joint request by ExxonMobil and the Illinois Environmental Protection Agency (Agency) to expedite consideration of this site-specific proposal. The Board accordingly requests that your Department expedite its determination whether it will conduct an economic impact study on the proposal.

ExxonMobil owns and operates the Joliet Refinery located in Channahon Township on a 1,300 acre tract of land in unincorporated Will County. The site is adjacent to Interstate 55 at the Arsenal Road exit, approximately 50 miles southwest of Chicago. The refinery employs more than 500 full-time employees, and approximately 100 additional ExxonMobil employees who provide regional support services are also located at the refinery.

Under an October 11, 2005 federal consent decree, ExxonMobil must, among other things, make substantial investments in air emissions reductions at the Joliet Refinery. The consent decree calls for the use of a wet gas scrubber in addition to added technology, which will contribute to additional sulfate and TDS to the wastewater treatment system. ExxonMobil has asserted that because of occasional observed TDS violations in the Des Plaines River and in light of 35 Ill. Adm. Code 302.102(b)(9), the Agency will not allow a mixing zone and could not, therefore, issue the wastewater construction permit needed by ExxonMobil. Accordingly, ExxonMobil is seeking a site-specific rule from the existing water quality standard for TDS.

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

GOVERNOR

Rod R. Blagojevich

CHAIRMAN

G. Tanner Girard, Ph.D.

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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

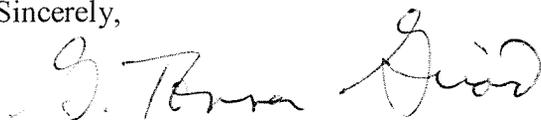
(2) conduct at least one public hearing on the economic impact of those rules. At least 20 days before the hearing, the Board shall notify the public of the hearing and make the economic impact study, or the Department of Commerce and Economic Opportunity's explanation for not producing an economic impact 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) (2004).

The Board accepted the proposal for hearing and adopted a first notice opinion and order on March 2, 2006. The Board hopes to schedule and hold only one hearing on this proposal. The Board expects to schedule the hearing date for this rulemaking in late April or early May. 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 would appreciate your decision no later than April 1, 2006.

If I, or my staff, can provide you with any additional information, please let me know. While the Board can proceed to schedule and hold a hearing 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,

A handwritten signature in cursive script, appearing to read "G. Thomas".

G. Tanner Girard
Acting Chairman
Pollution Control Board

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