

ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

November 21, 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: **Proposed Amendments to Solid Waste Landfill Rules, 35 Ill. Adm. Code 810 and 811, (R07-8)**

Dear Director Lavin:

On August 17, 2006, the Board accepted for hearing a proposal filed by the Illinois Chapter of the National Solid Wastes Management Association (NSWMA) to amend the Board's solid waste disposal regulations. I am writing to request that your Department conduct an economic impact study concerning this proposal. The Board is currently in the process of scheduling hearings in this rulemaking.

When filing this rulemaking proposal the NSWMA stated that it is "a not-for-profit trade association representing companies that provide solid, hazardous, and medical waste collecting, recycling, and disposal services." According to NSWMA, the proposal seeks to update the Board's regulations to reflect current solid waste disposal practices, and noted that many of the rules proposed for amendment have been in effect since 1990. NSWMA stated that its proposal reflects both practical experience with implementing these regulations and increased technical and scientific knowledge. NSWMA described its proposal as "the culmination of almost seven years of discussions" with the Illinois Environmental Protection Agency (Agency). NSWMA stated that the Agency "supports and concurs with all of the proposed amendments."

NSWMA stated that it expects the following benefits to result from adoption of its proposal. First, "it will eliminate or modify certain regulations that are no longer technically reasonable in that they do not reflect current and accepted practice in the industry." Second, NSWMA believes that the proposal will generate more accurate data, leading to improved regulatory decision-making and environmental protection. Third, NSWMA believes that the proposal will improve efficiency both for the Agency and for regulated solid waste facilities.

Since 1998, Section 27 (b) of the Environmental Protection Act has required the Board to:

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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

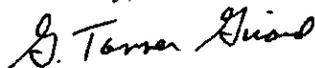
(2) conduct at least one public hearing on the economic impact of those rules. At least 20 days before the hearing, the Board shall notify the public of the hearing and make the economic impact study, or the Department of Commerce and Economic Opportunity's explanation for not producing an economic impact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

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. As stated earlier, the Board is in the process of scheduling hearings in this rulemaking and would prefer to have a response from your Department by January 8, 2007, to present at these hearings.

If I, or my staff, can provide you with any additional information, please let me know.

Thank you for your early response.

Sincerely,



G. Tanner Girard
Acting Chairman
Pollution Control Board

Cc: Warren Ribley, DCEO
Dorothy M. Gunn, Clerk of the Board