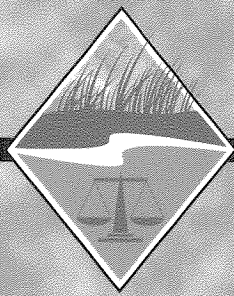


ILLINOIS POLLUTION CONTROL BOARD



GOVERNOR

Rod R. Blagojevich

CHAIRMAN

G. Tanner Girard, Ph.D.

November 27, 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: **Triennial Review of Sulfate and Total Dissolved Solids Water Quality Standards: Proposed Amendments to 35 Ill. Adm. Code 302.102(b)(6), 302.102(b)(8), 302.102(b)(10), 302.208(g), 309.103(c)(3), 405.109(b)(2)(A), 409.109(b)(2)(B), 406.100(d); Repealer of 35 Ill. Adm. Code 406.203 and Part 407; and Proposed New 35 Ill. Adm. Code 302.208(h), (R07-9)**

Dear Director Lavin:

On November 16, 2006, the Board accepted for hearing a proposal filed by the Illinois Environmental Protection Agency (Agency) to amend the Board's water quality 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.

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

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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 5, 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.

A handwritten signature in cursive script that reads "G. Tanner Girard".

Sincerely,

G. Tanner Girard
Acting Chairman
Pollution Control Board

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