



# ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS  
Pollution Control Board

GOVERNOR

Rod R. Blagojevich

May 2, 2007

Jack Lavin, Director  
Department of Commerce and Economic Opportunity  
620 East Adams Street, S-6  
Springfield, Illinois 62704

CHAIRMAN

G. Tanner Girard, Ph.D.

Re: Request for Economic Impact Study for: Proposed Amendments to the Board's Procedural Rules and Underground Storage Tank Regulations to Reflect P.A. 94-0274, P.A. 94-0276, and P.A. 94-0824 (35 Ill. Adm. Code 101.202, 732.103, 732.702, 734.115, 734.710), (R07-17)

Dear Director Lavin:

On April 19, 2007, the Board on its own initiative adopted a first notice opinion and order to update its regulations to reflect recent statutory changes. The amendments include adding the sixteenth exception to the definition of "pollution control facility" to the Board's procedural rules. In the Board's underground storage tank program rules, the proposal amends the definition of "owner" and clarifies the significance of the Illinois Environmental Protection Agency's issuance of an NFR letter as it relates to offsite contamination. I am writing to request that your Department conduct an economic impact study concerning this proposal. The Board has scheduled hearings in this rulemaking for Wednesday, May 16, 2007 and Thursday, June 7, 2007. I would greatly appreciate a response from you concerning DCEO's position on whether it will perform the economic impact study by Monday, May 21, 2007.

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

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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).

I would greatly appreciate a response from you concerning DCEO's position **on whether it will perform the economic impact study**. As stated earlier, the Board has scheduled hearings in this rulemaking and would prefer to have a response from your Department by May 21, 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  
John T. Therriault, Assistant Clerk of the Board