

ILLINOIS POLLUTION CONTROL BOARD

October 7, 2008

GOVERNOR

Rod R. Blagojevich

CHAIRMAN

G. Tanner Girard, Ph.D.

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 Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742)
Board Docket R09-9

Dear Director Lavin:

On September 16, 2008, the Board accepted for hearing the above-captioned rulemaking proposal filed by the Illinois Environmental Protection Agency (IEPA). I am writing to request that your Department conduct an economic impact study concerning this proposal.

IEPA's proposal seeks to amend the Board's rules concerning the Tiered Approach to Corrective Action Objectives (TACO). As IEPA states, the TACO rules provide "procedures for developing remediation objectives based on various risks to human health posed by environmental conditions at a site." IEPA proposes to "add the indoor inhalation exposure route to the existing risk-based methodology." The proposed comprehensive changes include new definitions, equations, parameters, default remediation objectives, and mechanisms for managing the indoor inhalation pathway. IEPA states that the "effect of the proposed amendments is to protect building occupants from volatile chemicals that have the potential to migrate from the soil and groundwater to indoor air." IEPA has also included amendments in its proposal to "update remediation objectives for all the exposure routes."

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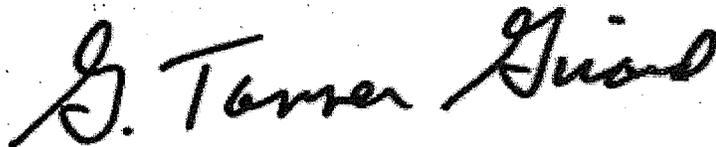
Since 1998, Section 27(b) of the Environmental Protection Act has required the Board to:

- (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 in cost based on the size of the facility and the percentage 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 new 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) (2006).

The Board is in the process of scheduling initial hearings in this rulemaking. Although there is no decision deadline in this rulemaking, the Board intends to proceed expeditiously with this rulemaking, and asks that you respond to this request as soon as you conveniently can. If I, or my staff, can provide you with any additional information, please let me know.

Thank you in advance for your prompt response.

Sincerely,



G. Tanner Girard,
Acting Chairman
Pollution Control Board

cc: Warren Ribley, DCEO
John T. Therriault, Assistant Clerk