

ILLINOIS POLLUTION CONTROL BOARD

July 7, 2011

ORIGINAL

GOVERNOR

~~Rod R. Blagojevich~~

CHAIRMAN

G. Tanner Girard, Ph.D.

Warren Ribley, Director
Department of Commerce and Economic Opportunity
500 E. Monroe
Springfield, Illinois 62701

Re: Request for Economic Impact Study for: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and Lower Des Plaines River Proposed Amendments To 35 Ill. Adm. Code 301, 302, 303, and 303 R8-9B

Dear Director Ribley:

On July 7, 2011, the Board sent to first notice a rulemaking entitled: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and Lower Des Plaines River Proposed Amendments To 35 Ill. Adm. Code 301, 302, 303, and 303 R8-9B. I am writing to request that your Department conduct an economic impact study concerning this proposal. On October 26, 2007, the Illinois Environmental Protection Agency (IEPA) filed a proposal under the general rulemaking provisions of Sections 27 and 28 of the Environmental Protection Act (Act) (415 ILCS 5/27, 28 (2008)). Generally, the proposal will amend the Board's rules for Secondary Contact and Indigenous Aquatic Life Uses to update the designated uses and criteria necessary to protect the existing uses of the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River (LDPR).

On March 18, 2010, the Board granted a motion to sever the docket. The Board severed the dockets as follows: 1) subdocket A deals with the issues related to recreational use designations, 2) subdocket B addressed issues relating to disinfection and whether or not disinfection may or may not be necessary to meet those use designations, 3) subdocket C addresses the issues involving proposed aquatic life uses, and 4) subdocket D addresses the issues dealing with water quality standards and criteria which are necessary to meet the aquatic life use designations. This first notice proposal is in subdocket B and addresses whether or not an effluent limit is appropriate for discharges to the CAWS and LDPR. The Board sent to first notice a proposal that would require effluent limits for dischargers to Primary Contact Recreation Use Waters in the CAWS.

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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) (2008).

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: John T. Therriault, Assistant Clerk