



IPCB

Illinois Pollution Control Board

October 24, 2016

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WEB SITE

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Sean McCarthy, Acting Director
Department of Commerce and Economic Opportunity
100 W. Randolph St.
Suite 3-400
Chicago, Illinois 60601

Re: Request for Economic Impact Study for Permit by Rule for Boilers: Amendments to 35. Ill. Adm. Code Parts 201 and 211, Board Docket R17-9

Dear Acting Director McCarthy:

I write to request that the Department of Commerce and Economic Opportunity conduct an economic impact study concerning the rulemaking proposed in Board docket R17-9, Permit by Rule for Boilers: Amendments to 35 Ill. Adm. Code Parts 201 and 211. On August 23, 2016, the Illinois Environmental Protection Agency (Illinois EPA) filed a proposal to amend parts of the Board's regulations governing air emissions. Illinois EPA states that the amendments will allow construction of small boilers under a "permit by rule" (a general permit obviating the need to grant individual construction permits for certain small boilers). The amendments also contain general provisions which would apply to future proposed permits by rule for other types of emissions units. Illinois EPA filed the proposal pursuant to Sections 27, 28, and 39.12 of the Environmental Protection Act (415 ILCS 5/27, 28, 39.12) and Section 102.202(b) of the Board's rules (35 Ill. Adm. Code 102.202(b)).

We would appreciate your response to this request no later than Tuesday, November 15, 2016.

Section 27(b) of the Environmental Protection Act requires the Board to:

- (1) request that the Department of Commerce and Economic Opportunity 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) (2014).

The Board has scheduled hearings for this matter on October 26, 2016 and November 16, 2016. In the interest of administrative economy, the Board would like to combine the hearing required by Section 27(b) with a hearing on the substantive merits of the Agency's proposal. Under these circumstances, the Board respectfully asks that you determine whether the Department of Commerce and Economic Opportunity will conduct an economic impact study on the proposal and respond no later than Tuesday, November 15, 2016. If I or my staff can provide any additional information, please let me know.

Thank you in advance.

Sincerely,



Gerald M. Keenan, Chairman
Pollution Control Board

Cc: John T. Therriault, Clerk of the Board

