



IPCB

Illinois Pollution Control Board

April 16, 2020

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JB Pritzker



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Erin Guthrie, 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 Proposed New 35 Ill. Adm. Code 845 Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments, Board Docket R20-19

Dear Acting Director Guthrie:

I write to request that the Department of Economic Opportunity conduct an economic impact study of the rulemaking proposal cited above. On April 16, 2020, the Illinois Pollution Control Board accepted a proposal for public comment and proceeded to first notice under the Illinois Administrative Procedure Act (5 ILCS 100/5-40(b) (2018)). The Illinois Environmental Protection Agency proposes a new part to satisfy the statutory mandate to provide rules for the design, construction, operation, corrective action, closure and post-closure care of surface impoundments containing coal combustion residuals.

For the reasons below, we would appreciate your response to this request no later than June 1, 2020.

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) (2018).

As the decision deadline for this proposed rule is March 30, 2021, the Board is proceeding to first notice. The Board is scheduling public hearings and will need to complete the hearing required by Section 27(b) with a hearing on the substantive merits of IEPA'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 June 1, 2020. If my staff or I can provide any additional information, please let me know.

Thank you in advance for your prompt response.

Sincerely,

Barbara Flynn Currie

Barbara Flynn Currie, Chair
Pollution Control Board

cc: Don A. Brown, Clerk of the Board

