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August 17, 2023

Kristin A. Richards, Director
Department of Commerce and Economic Opportunity
555 West Monroe Street, 12th Floor
Chicago, Illinois 60661

Re: Request for Economic Impact Study for Proposed Amendments to 35 Ill. Adm. Code 201, 202, and 212 Docket R23-18(A).

Dear Director Richards:

I write to request that the Department of Commerce and Economic Opportunity (DCEO) conduct an economic impact study of the rulemaking proposal cited above. On August 17, 2023, the Illinois Pollution Control Board accepted the proposal. In it the Illinois Environmental Regulatory Group, Rain CII Carbon LLC, Dynegy Midwest Generation LLC and Midwest Generation LLC, American Petroleum Institute, and East Dubuque Nitrogen Fertilizers LLC filed rulemaking proposals to amend 35 Ill. Adm. Code 212, 215, 216, and 216 to provide alternate emission limitations during periods of startup, shutdown, breakdown, and malfunction.

For the reasons below, we would appreciate your response to this request no later than Monday, October 2, 2023.

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) (2020).

Although there is no decision deadline in this rulemaking, the Board intends to proceed by scheduling hearings. 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 proposal. Under these circumstances, the Board respectfully asks that you complete your study no later than October 2, 2023. My staff or me 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

