

ILLINOIS POLLUTION CONTROL BOARD

September 15, 2005

GOVERNOR

Rod R. Blagojevich

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 Site Specific Waste Regulation Applicable to Silbrico Corporation (35 Ill. Adm. Code Part 810) (R060-08)**

SPRINGFIELD OFFICE

1021 North Grand Ave., East
P.O. Box 19274
Springfield, IL
62794-9274
217-524-8500
FAX 217-524-8508

Dear Director Lavin:

The Pollution Control Board (Board) received a site-specific rulemaking proposal filed by the Silbrico Corporation (Silbrico) on July 19, 2005. The proposal seeks to amend the Board's solid waste disposal regulations.

Silbrico, located in Hodgkins, Cook County, has proposed a site-specific rule that would allow it to dispose of nonhazardous, inert waste generated at its manufacturing facility in a "construction and demolition debris" facility. Silbrico manufactures products using perlite, a volcanic rock that expands up to 20 times when heated. In its petition for the rulemaking, Silbrico asserts that due to the inert and nonhazardous characteristic of the off-specification perlite and the fugitive perlite (collectively waste perlite), it seeks to dispose of these wastes at a "clean fill" facility that accepts only clean construction and demolition debris. Silbrico asserted that allowing the disposal of the waste perlite at a "clean fill" facility would save valuable space in municipal waste landfills and result in significant cost savings, while posing no environmental violation or threat.

I am writing to request that your Department conduct an economic impact study concerning this proposal.

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

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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) (2002).

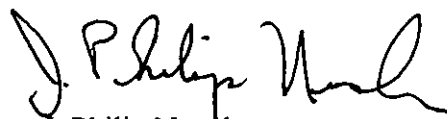
The Board is in the process of scheduling a hearing in this rulemaking. I would greatly appreciate a response from you concerning DCEO's position on whether it will perform the economic impact study.

The Board appreciates DCEO's recent timely and considered response to similar requests we have made concerning other pending rulemakings. The Board appreciates that fiscal constraints may prevent DCEO from conducting economic studies in every rulemaking. But, as I have pointed out before, a review of Board rulemaking opinions and orders since then would reveal that the Department's decision not to perform economic impact studies has not been questioned at any Board hearing.

If I, or my staff, can provide you with any additional information, please let me know. While the Board can proceed to hold hearings while awaiting your decision, the Environmental Protection Act does not allow the Board to complete its rulemaking process without your Department's input.

Thank you for your early response.

Sincerely,



J. Philip Novak

Chairman, Pollution Control Board

cc: Hans Detweiler; DCEO Deputy Director, Bureau of Energy and Recycling
Dorothy M. Gunn, Clerk
Erin Conley, Rules Coordinator