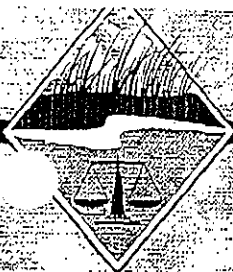


ILLINOIS POLLUTION CONTROL BOARD



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November 10, 2005

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 Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742)**

Dear Director Lavin:

The Pollution Control Board (Board) has received a rulemaking proposal from the Illinois Environmental Protection Agency (Agency) on September 30, 2005 that proposes amendments to the Board's Tiered Approach to Corrective Action Objectives (TACO) regulations. The proposal seeks to amend the TACO regulations by updating and clarifying the existing rules. Additionally, the Agency stated that technical documents that were used in drafting the rules have been updated, necessitating amendments to the rules.

The Agency explained in its Statement of Reasons that the proposal includes amendments that originated from several different sources, including comments from the regulated community to improve procedures to new standards established for various contaminants. The amendments also seek to incorporate updated test methods, and new toxicity criteria. The Agency stated that the purpose of the proposed amendments is to update and improve standards and procedures so that end users of the rules can achieve accurate data results that are protective of human health.

I am writing to request that you determine whether your Department will 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

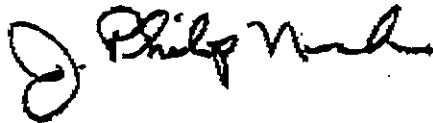
proposed rules on employment levels, commercial productivity, the economic growth of small businesses with 100 or less employees, and the State's overall economy, and c) the cost per unit of pollution reduced and the variability of company revenues expected to be used to implement the proposed rules; 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) (2004).

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,

A handwritten signature in black ink that reads "J. Philip Novak". The signature is written in a cursive style with a large initial "J".

J. Philip Novak
Chairman, Pollution Control Board

Cc: Dorothy M. Gunn, Clerk
Erin Conley, Rules Coordinator