

# ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS  
Pollution Control Board

July 11, 2007

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: **Procedures Required by PA 94-849 for Reporting Releases of Radionuclides at Nuclear Power Plants: New 35 Ill. Adm. Code Part 1010, (R07-20)**

Dear Director Lavin:

On June 21, 2007, the Board accepted a proposal for hearing in Procedures Required by PA 94-849 for Reporting Releases of Radionuclides at Nuclear Power Plants: New 35 Ill. Adm. Code Part 1010, (R07-20). I am writing to request that your Department conduct an economic impact study concerning this proposal. The rulemaking is based on a proposal filed by the Illinois Environmental Protection Agency (IEPA) on May 25, 2007, and is intended to implement P. A. 94-849, which added Section 13.6 to the Act (415 ILCS 5/13.6 (2006)). Section 13.6 of the Act requires that IEPA propose rules to the Board "prescribing standards for detecting and reporting unpermitted releases of radionuclides." 415 ILCS 5/13.6 (2006). The Board has one year from receipt of the proposal to adopt final rules. The Board is in the process of scheduling hearings in this rulemaking.

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

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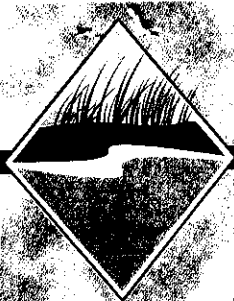
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(2) conduct at least one public hearing on the economic impact of those rules. At least 20 days before the hearing, the Board shall notify the public of the hearing and make the economic impact study, or the Department of Commerce and Economic Opportunity's 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).

As the Board has a statutorily defined time frame in which to adopt final rules in this rulemaking, I would greatly appreciate a response from you concerning DCEO's position on whether it will perform the economic impact study by August 10, 2007.

If I, or my staff, can provide you with any additional information, please let me know.

Thank you in advance for your prompt response.

Sincerely,

G. Tanner Girard  
Acting Chairman  
Pollution Control Board

cc: Warren Ribley, DCEO  
John T. Therriault, Assistant Clerk of the Board

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