

# ILLINOIS POLLUTION CONTROL BOARD

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JUN 06 2008

**STATE OF ILLINOIS**  
**Pollution Control Board**

June 6, 2008

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: Amendments to 35 Ill. Adm. Code 217, Nitrogen Oxides Emissions, and 35 Ill. Adm. Code 211, (R08-19)

Dear Director Lavin:

On June 5, 2008, the Board accepted a proposal for hearing in Amendments to 35 Ill. Adm. Code 217, Nitrogen Oxides Emissions, and 35 Ill. Adm. Code 211, R08-19. This rulemaking, filed with the Board by the Illinois Environmental Protection Agency (Agency), proposes to control nitrogen oxides (NO<sub>x</sub>) emissions from various source categories, including within these categories such emission units as industrial boilers, process heaters, glass melting furnaces, cement kilns, lime kilns, furnaces used in steelmaking and aluminum melting, and fossil fuel-fired stationary boilers. I write to request that your Department conduct an economic impact study concerning this proposal.

The Agency states that its proposal is intended to satisfy Illinois' obligation to submit a State Implementation Plan to address the requirements under the federal Clean Air Act for major stationary sources of NO<sub>x</sub> in areas designated as nonattainment with respect to National Ambient Air Quality Standards. The Agency indicates that NO<sub>x</sub> is a primary precursor to the formation of ozone and is also a precursor to the formation of particulate matter that is 2.5 micrometers or smaller in size. The Agency expects its proposal to reduce NO<sub>x</sub> emissions by approximately 46.3% or 20,666 tons per year beginning in 2010.

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

GOVERNOR

Rod R. Blagojevich

CHAIRMAN

G. Tanner Girard, Ph.D.

## SPRINGFIELD OFFICE

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

## CHICAGO OFFICE

James R. Thompson Center  
100 West Randolph  
Suite 11-500  
Chicago, IL 60601  
312-814-3620  
FAX 312-814-3669  
TTY 312-814-6032

WEB SITE

[www.ipcb.state.il.us](http://www.ipcb.state.il.us)



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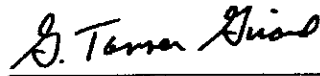
growth of small businesses with 100 or less employees, and the State's overall economy, and c) the cost per unit of pollution reduced and the variability of company revenues expected to be used to implement the proposed rules; and

(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) (2006).

The Board is in the process of scheduling initial hearings in this rulemaking. Although there is no decision deadline in this rulemaking, the Board intends to proceed expeditiously with this rulemaking, and asks that you respond to this request as soon as you conveniently can. 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