

ILLINOIS POLLUTION CONTROL BOARD

GOVERNOR

Rod R. Blagojevich

CHAIRMAN

G. Tanner Girard, Ph.D.

June 30, 2009

Warren Ribley, Director
Department of Commerce and Economic Opportunity
620 East Adams Street, S-6
Springfield, Illinois 62704

RECEIVED
CLERK'S OFFICE

JUN 30 2009

STATE OF ILLINOIS
Pollution Control Board

Re: Request for Economic Impact Study for: Ameren Ash Pond Closure Rules (Hutsonville Power Station): Proposed 35 Ill. Adm. Code 840.101 through 840.144, (R09-21)

Dear Director Ribley:

On June 18, 2009, the Board accepted a proposal for hearing in Ameren Ash Pond Closure Rules (Hutsonville Power Station): Proposed 35 Ill. Adm. Code 840.101 through 840.144, (R09-21). This rulemaking was filed with the Board on May 19, 2009, by Ameren Energy Generating Company (Ameren). Ameren proposes a new subchapter in the Board's waste disposal regulations to address the closure of surface impoundments. Specifically, Ameren seeks the adoption of regulations through which it can close Ash Pond D at its Hutsonville Power Station (Station) near Hutsonville, Crawford County. I write 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 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

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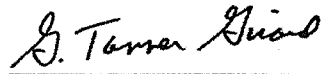


Commerce and Economic Opportunity's explanation for not producing an economic impact study, available to the public. Such public hearing may be held simultaneously or as a part of any Board hearing considering such new rules. 415 ILCS 5/27(b) (2008).

The Board is in the process of scheduling a hearing 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,

A handwritten signature in cursive script, reading "G. Tanner Girard". The signature is written in dark ink and is positioned above a horizontal line.

G. Tanner Girard
Acting Chairman
Pollution Control Board

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