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May 29, 2013



ORIGINAL

**RECEIVED
CLERK'S OFFICE**

MAY 29 2013

**STATE OF ILLINOIS
Pollution Control Board**

Adam Pollet, Acting Director
Department of Commerce and Economic Opportunity
500 E. Monroe IL-12
Springfield, Illinois 62701

Re: Request for Economic Impact Study for: **Site-Specific Rule for the Closure of Ameren Energy Resources Ash Ponds: Proposed New 35 Ill. Adm. Code 840, Subpart B (R13-19)**

Dear Acting Director Pollet:

On April 10, 2013, Ameren Energy Resources (AER) proposed amendments to Part 840 of the Board's waste disposal regulations. *See* 35 Ill. Adm. Code 840. AER proposed adoption of regulations for the closure of ash ponds at eight power stations in various regions of the state.

I write to request that the Department of Commerce and Economic Opportunity conduct an economic impact study concerning this proposal. For reasons explained below, we would appreciate your response to this request no later than Thursday, August 1, 2013.

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 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 in cost based on the size of the facility and the percentage 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 new 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) (2010).

Although there is no decision deadline in this rulemaking, the Board intends to proceed promptly with scheduling hearings in this matter. In the interest of administrative economy, the Board would like to combine the hearing required by Section 27(b) with a hearing on the substantive merits of AER's proposal. Under these circumstances, the Board respectfully asks that you determine whether the Department of Commerce and Economic Opportunity will conduct an economic impact study on the proposal and respond no later than Thursday, August 1, 2013. If I or my staff can provide any additional information, please let me know.

Thank you in advance for your prompt response.

Sincerely,



Thomas Holbrook
Chairman
Pollution Control Board

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