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Illinois Pollution Control Board

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October 26, 2021

Sylvia Garcia, Acting Director
Department of Commerce and Economic Opportunity
555 W. Monroe, 12th Floor
Chicago, Illinois 60661

Re: Request for Economic Impact Study of Amendments to 35 Ill. Adm. Code Subtitle C (Water Pollution Rules) – PCB Docket R18-23.

Dear Acting Director Garcia:

I write to request that the Department of Commerce and Economic Opportunity (DCEO) conduct an economic impact study of the rulemaking proposal cited above. The Illinois Environmental Protection Agency (IEPA) filed a proposal to update the Board's environmental rules across multiple media and subject areas, including the water pollution rules in Subtitle C. On February 8, 2018, the Board accepted IEPA's proposal for hearing. On March 22, 2018, the Board split IEPA's proposal into eight dockets – each dedicated to non-substantive amendments in a single subtitle of the Board's rules. This docket R18-23 addresses only amendments to the Board's Subtitle C water pollution regulations (35 Ill. Adm. Code 301-310, 312).

For the reasons below, we would appreciate your response to this request no later than Friday, December 10, 2021.

Section 27(b) of the Environmental Protection Act requires 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) (2020).

Although there is no decision deadline in this rulemaking, the Board is scheduling public hearings and would like to combine the hearing required by Section 27(b) with a hearing on the substantive merits of IEPA's proposal. Under these circumstances, the Board respectfully asks that you conduct an economic impact study on the proposal and respond no later than Friday, December 10, 2021. If my staff or I can provide any additional information, please let me know.

Thank you in advance for your prompt response.

Sincerely,

Barbara Flynn Currie

Barbara Flynn Currie, Chair
Pollution Control Board

cc: Don A. Brown, Clerk of the Board

