

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	R09-10
AMENDMENTS TO 35 ILL. ADM.)	
CODE 225: CONTROL OF EMISSIONS)	(Rulemaking – Air)
FROM LARGE COMBUSTION SOURCES)	

NOTICE

TO: Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601-3218

SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the MOTION FOR EXPEDITED REVIEW of the Illinois Environmental Protection Agency a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By 
Charles E. Matoesian
Assistant Counsel
Division of Legal Counsel

DATED: October 28, 2008

1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
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217.782.9143 (TDD)

**THIS FILING IS SUBMITTED
ON RECYCLED PAPER**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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PROPOSED AMENDMENTS TO) R09-10
35 ILL. ADM. CODE 225) (Rulemaking – Air)
CONTROL OF EMISSIONS FROM)
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MOTION FOR EXPEDITED REVIEW

NOW COMES Proponent, the Illinois Environmental Protection Agency (“Illinois EPA”), by its attorney, and pursuant to 35 Ill. Adm. Code 101.512, respectfully submits this Motion for Expedited Review (“Motion”). In support of its Motion, the Illinois EPA states as follows:

1. Affected coal-fired electric generating units (“EGUs”) must comply with the emission limits in 35 Ill Admin. Code 225, Subpart B, by July 2009.
2. The Illinois EPA is filing these amendments to Part 225 because of the vacatur of the federal Clean Air Mercury Rule (“CAMR”) by the United States Court of Appeals for the District of Columbia on March 13, 2008 (*New Jersey v. Environmental Protection Agency*, 517 F.3d 574 (D.C. Cir. 2008))¹.
3. Due to this event, the Illinois EPA has proposed amendments to Part 225 to recreate certain monitoring provisions of the Federal rule found primarily at 40 CFR Part 75 that had been incorporated by reference, and add them to the Illinois Mercury Rule. The proposed amendments also give greater flexibility to sources in monitoring mercury emissions than provided under the existing rule. The substance of Part 225 is unchanged,

¹ The USEPA has filed a petition for a writ of certiorari to the United States Supreme Court. However, at the time of filing this motion, the United States Supreme Court has not acted upon the writ.

as those regulations will continue to address the control of mercury emissions from EGUs beginning in July 2009.

4. The Illinois EPA's administration and implementation of the Illinois Mercury Rule would be greatly aided and subject to less uncertainty if this rulemaking is acted upon in an expedited manner. Similarly, affected sources would also be well-served in compliance efforts if the rulemaking is resolved as quickly as possible. Because of this need for certainty and clarity, and because the proposed amendments do not change the substance of Part 225, the regulations need to be adopted in an expedited manner.

5. Without these amendments, the Illinois Mercury Rule will lack monitoring provisions.

6. In light of the foregoing, it is necessary to expedite review in this matter.

7. As required by 35 Ill. Adm. Code Section 101.512, this Motion is accompanied by an Affirmation attesting that the facts cited herein are true.

WHEREFORE, for the reasons set forth above, the Illinois EPA respectfully requests that the Board grant this Motion and expedite review in this matter. Further, the Illinois EPA requests that the Board consider and act upon this Motion at its meeting scheduled for November 6, 2008.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 

Charles Matoesian
Assistant Counsel
Division of Legal Counsel

DATED: October 28, 2008

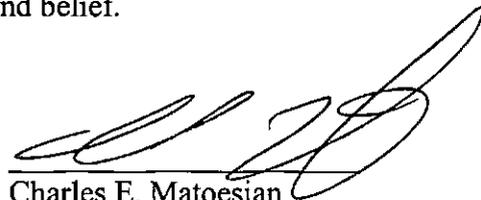
1021 N. Grand Ave. East
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(217) 782-5544

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AFFIRMATION

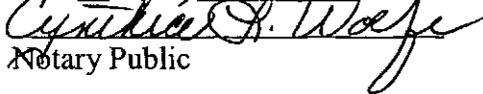
I, Charles E. Matoesian, under oath, hereby state and affirm that I am an Assistant Counsel for the Illinois EPA and the facts cited in the foregoing Motion for Expedited Review are true and correct to the best of my information and belief.



Charles E. Matoesian
Assistant Counsel
Division of Legal Counsel

SUBSCRIBED AND SWORN TO BEFORE ME

This 28 day of October, 2008


Notary Public



R09-10 Service List

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