

Board Sends to First Notice a Proposal Concerning the Control of Mercury Emissions from Coal-fired Electric Generating Units

The Illinois Pollution Control Board, on March 16, 2006, adopted for first notice a proposal to control mercury emissions from coal-fired electric generating units (EGUs), without commenting on the merits of the proposal. The Illinois Environmental Protection Agency (IEPA) filed the proposal, docketed as In the Matter of: Proposed New 35 Ill. Adm. Code 225 Control of Emissions from Large Combustion Sources (Mercury), on March 14, 2006.

This proposal was filed pursuant to Section 28.5 of the Illinois Environmental Protection Act (Act) and under the provisions of Section 28.5 of the Act; the Board is required to proceed within strict timeframes toward the adoption of the regulation. The Board has no discretion to amend or alter those set timeframes. The first of those strict timeframes is that the Board must “within 14 days of receipt of the proposal” file for first notice under the Illinois Administrative Procedure Act and schedule all required hearings. Therefore, the Board accepted the proposal without commenting on the merits and adopted the rule for first notice. In addition, the Board directed the hearing officer to expeditiously schedule all hearings in this proceeding. The following schedule reflects the strict timeframes the Board must meet throughout this process:

First Notice	on or before March 28, 2006
First Hearing	on or before May 8, 2006
Second Hearing	on or before June 7, 2006
Third Hearing	on or before June 21, 2006
Second Notice	July 22, 2006 or August 11, 2006
Final Filing	21 days after receipt of Joint Committee on Administrative Rules certificate of no objection

This schedule includes the second and third hearing which may be cancelled. The second hearing will be held if within seven days after the first hearing any person requests the second hearing. The third hearing will be cancelled if the IEPA indicates to the Board that the IEPA will not introduce any additional materials. Hearings shall be continued day-to-day as necessary to complete the subject matter of the hearing.

The IEPA’s proposal is brought to satisfy the State’s obligation to submit a state implementation plan to address the requirements of Clean Air Mercury Rule (CAMR) and Section 9.10 of the Act. The proposal addresses serious deficiencies present in the CAMR including:

the unnecessary delay in achieving mercury emission reductions, the inherent concerns associated with a cap and trade program to control a persistent, bioaccumulative toxin, the inadequate mercury reductions contained in the CAMR, and the legal basis upon which CAMR was adopted.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office at 312-814-3629, or by writing to the Clerk's office:

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