

Board Adopts the Clean Air Interstate Rule (CAIR) to Reduce Transport of Sulfur Dioxide and Nitrogen Oxides Emissions

The Illinois Pollution Control Board, on August 23, 2007, adopted, as final rules, amendments to reduce intrastate and interstate transport of sulfur dioxide (SO₂) and nitrogen oxides (NO_x) emissions from fossil fuel-fired electric generating units. The rule amendments, known as the Clean Air Interstate Rule (CAIR), become effective on August 31, 2007.

The Illinois Environmental Protection Agency (IEPA), on May 30, 2006, initiated this rulemaking proceeding by filing its proposed rule amendments, docketed by the Board as In the Matter of: Proposed New Clean Air Interstate Rules (CAIR) SO₂, NO_x Annual and NO_x Ozone Season Trading Programs, 35 Ill. Adm. Code 225, Control of Emissions From Large Combustion Sources, Subparts A, C, D, E, and F (R06-26). After five days of hearings and numerous public comments, the Board, on April 19, 2007, proposed amendments for first notice. After the first-notice public comment period, the Board, on July 26, 2007, adopted its second-notice proposal for review by the Joint Committee on Administrative Rules (JCAR). On August 14, 2007, JCAR issued a certification of no objection concerning the rules.

The rule amendments are needed in part because the State of Illinois must meet federal Clean Air Act requirements for controlling fine particulate matter (PM_{2.5}) and ozone in the greater Chicago and Metro East/St. Louis nonattainment areas. The United States Environmental Protection Agency (USEPA) has determined that most eastern states, including Illinois, will not be able to timely meet the National Ambient Air Quality Standards (NAAQS), largely because individual states cannot effectively address the interstate transport of airborne pollution from upwind areas. To address this regional problem, USEPA promulgated federal CAIR. Under federal CAIR, states like Illinois are given the option of complying with emissions budgets set by USEPA, or as adopted by the Board for NO_x and SO₂ emissions from fossil fuel-fired electric generating units, using federal “cap and trade” programs.

To reduce the interstate transport of SO₂ and NO_x emissions and take steps necessary to attain the PM_{2.5} and 8-hour ozone NAAQS in the greater Chicago and Metro East/St. Louis nonattainment areas, these amendments adopt the CAIR SO₂, CAIR NO_x annual, and CAIR NO_x ozone season trading programs. The rules amend Subpart A and create new Subparts C, D, E, and F and Appendix A of Part 225.

The Board received five public comments during the 45-day first-notice public comment period, which ended on June 25, 2007. In the second-notice decision, the Board amended its first-notice rule language to reflect a number of clarifying changes and corrections recommended by the IEPA in its public comment. With the final adoption on August 23, 2007, the Board made only minor changes to the second-notice rule amendments at the suggestion of JCAR.

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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