

Proposed Amendments to Illinois' Mercury Rule Go To First Notice

On November 5, 2008, the Illinois Pollution Control Board accepted for hearing a proposal from the Illinois Environmental Protection Agency (IEPA) to amend Part 225 of the Board's air pollution regulations. IEPA's proposal seeks to recreate certain monitoring provisions of the federal Clean Air Mercury Rule (CAMR), which was recently vacated by a federal court. The IEPA filed the measure with the Board on October 3, 2008. The proposed rule was docketed as In the Matter of: Amendments to 35 Ill. Adm. Code 225: Control of Emissions from Large Combustion Sources (Mercury Monitoring) (R09-10). In its November 5, 2008 order, the Board also granted the IEPA's motion for expedited review of the proposal. The Board directed the Clerk to cause publication of the proposal in the *Illinois Register* for first notice without commenting on its substantive merits.

The IEPA states that CAMR provided that states must require electric generating units "to comply with the monitoring, recordkeeping, and reporting provisions of Part 75 of the *Code of Federal Regulations* with regard to monitoring emissions of mercury to the atmosphere." The Illinois mercury rule specifically requires compliance with 40 C.F.R. Part 75. However, the United States Court of Appeals for the District of Columbia recently vacated CAMR, removing the monitoring provisions of that rule. The IEPA states that it proposes to amend Part 225 "to recreate certain monitoring provisions of the federal rule." The IEPA claims that "[t]he substance of Part 225 is unchanged as those regulations will continue to address the control of mercury emissions from coal-fired electric generating units beginning in July 2009."

Publication of these proposed amendments in the *Illinois Register* will begin a 45-day public comment period, during which anyone may file a public comment with the Board. The Board encourages persons to file public comments on these proposed amendments. The docket number for this rulemaking, R09-10, should be indicated on the public comment.

Public comments must be filed with the Clerk of the Board. Public comments may be filed at the following address:

Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

In addition, public comments may be filed electronically through the Clerk's Office On-Line (COOL) at www.ipcb.state.il.us. Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629

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

For more information contact Tim Fox at 312-814-6085 or email at foxt@ipcb.state.il.us.