

Board Accepts for Hearing a Rulemaking Proposal that Would Amend Provisions of the NOx SIP Call Trading Program

On September 2, 2010, the Board accepted for hearing a proposal for amendments to the Board's air rules. The Illinois Environmental Protection Agency (IEPA), on August 19, 2010, filed the proposal that was docketed as In the Matter of: NOx Trading Program Sunset Provisions for Non-Electric Generating Units: Amendments to 35 Ill. Adm. Code Part 217.Subpart U (R11-08).

The IEPA states that the proposed amendments would sunset the trading provisions of the Nitrogen Oxide SIP Call Trading Program (NOx Trading Program). The sole provisions to be amended involved the holding and trading provisions of Part 217.Subpart U. Due to a federal court ruling concerning the federal CAIR rules in *North Carolina v. USEPA*, 550 F.3d 1176 (C.A.D.C. Cir. 2008), the court reinstated that CAIR begin implementation with the original 2009 control period. As a result of the court action, IEPA explains that Illinois, Non-Electric Generating Units (EGUs) no longer need to comply with the NOx Trading Program requirements for holding and trading NOx allowances for any control period after 2008 because UEPA no longer allocates allowances for the NOx Trading Program. Therefore, Subpart U is now moot where it requires that Non-EGUs hold their allowances for the 2010 season. However, to ensure that Illinois continues to satisfy its NOx budget, Non-EGUs must continue monitoring, reporting, and recordkeeping under Subpart U.

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:

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

For more information contact Daniel Robertson at 312-814-6931 or email at robertsd@ipcb.state.il.us.