



August 12, 2009

Mr. Timothy Fox, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph
Suite 11-500
Chicago, Illinois 60601

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STATE OF ILLINOIS
Pollution Control Board

P.C.# 9

RE: Rulemaking R2006-22, In the Matter of: NOx Trading Program: Amendments to 35 Ill. Adm. Code Part 217; Response to Motions by the Illinois Environmental Regulatory Group

Mr. Fox:

I am writing on behalf of Bunge North America, Inc. (Bunge) in response to the Illinois Pollution Control Board's ("Board") August 6, 2009 Order requesting responses to the Illinois Environmental Regulatory Group's ("IERG") Motion for Emergency Rule and Motion for Expedited Action on IERG's Alternative Proposal (collectively "Motions"). Bunge supports the Motions and urges the Board to grant approval for the Motions. Please consider the following in ruling on the Motions:

1. Bunge believes that it is in the best interest of business in Illinois to adopt the emergency rule and alternative proposal described in the Motions that require NOx allowances to be distributed for the 2009 ozone season, as well as subsequent control periods.
2. Bunge is an owner/operator of a facility in Danville, IL that is potentially subject to proposed Subpart U. (35 Ill. Admin. Code Part 217.Subpart U).
3. IEPA inadvertently excluded the Bunge facility in Danville from the NOx SIP Call budget trading program when Subpart U was originally established. In a letter from Laurel Kroack of the IEPA, dated August 17, 2006, IEPA petitioned US Environmental Protection Agency (EPA) and the Clean Air Markets Division (CAMD) requesting additional allowances for Bunge and that upon receipt of these additional allowances, IEPA would amend Subpart U to include the Bunge facility in Danville in the rule.

4. Bunge upgraded its continuous emissions monitoring system (CEMS) and its data acquisition and handling system (DAHS) to Part 75 standards in preparation of being included in the NOx SIP Call budget trading program. Unfortunately, the US EPA never awarded the requested allowances, and IEPA never amended Subpart U.

5. Therefore, Bunge has not received allocations of NOx allowances for the 2009 ozone season, nor for any subsequent years. However, Bunge is included in the rule proposed by IERG and would receive NOx allowances under the proposed rule.

6. Bunge is concerned that, through no fault of its own, potential legal liability may exist for Bunge by being subject to the federal rule while being excluded from Illinois state rule.

Bunge appreciates the opportunity to provide this response. In light of the above, we request that the Board grant IERG's Motion for Emergency Rule in order to require that 2009 NOx allowances be distributed to impacted sources, and grant IERG's Motion for Expedited Action on IERG's Alternative Proposal in order to bring NOx SIP Call budget units into the CAIR NOx Ozone Season Trading Program for the 2010 control period and beyond.

Respectfully submitted,

Bunge North America, Inc.



Loren Polak
Director of Environmental Management
Bunge North America, Inc.