

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:	)	
REGULATORY PROPOSAL FOR NOX	)	R 11-8
TRADING PROGRAM SUNSET	)	(Rulemaking - Air)
PROVISIONS FOR NON-ELECTRIC	)	
GENERATION UNITS ("NON-EGU."):	)	
AMENDMENTS TO 35 ILL. ADM. CODE	)	
PART 217. SUBPART U	)	

**NOTICE OF FILING**

TO: Mr. John T. Therriault	Mr. Daniel Robertson, Esq.
Assistant Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 W. Randolph Street	100 W. Randolph Street
Suite 11-500	Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
<b>(VIA ELECTRONIC MAIL)</b>	<b>(VIA U.S. MAIL)</b>

**(SEE PERSONS ON ATTACHED SERVICE LIST)**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the **POST-HEARING COMMENTS OF THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP**, a copy of which is herewith served upon you.

Respectfully submitted,

Dated: March 21, 2011

By: /s/ Alec M. Davis  
Alec M. Davis

Alec M. Davis  
General Counsel  
Illinois Environmental Regulatory Group  
215 East Adams Street  
Springfield, Illinois 62701  
(217) 522-5512

**CERTIFICATE OF SERVICE**

I, Alec M. Davis, the undersigned, hereby certify that I have served the attached

POST-HEARING COMMENTS OF THE ILLINOIS ENVIRONMENTAL

REGULATORY GROUP upon:

Mr. John T. Therriault  
Assistant Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

via electronic mail on March 21, 2011; and upon:

Daniel Robertson  
Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Matthew J. Dunn  
Chief, Environmental Bureau North  
Office of the Attorney General  
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Springfield, Illinois 62705-5776

Virginia Yang  
Illinois Department of Natural Resources  
One Natural Resources Way  
Springfield, Illinois 62702-1271

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois on March 21, 2011.

\_\_\_\_\_  
/s/ Alec M. Davis  
Alec M. Davis

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**POST-HEARING COMMENTS OF  
THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP**

NOW COMES the ILLINOIS ENVIRONMENTAL REGULATORY GROUP ("IERG"), by and through its attorney, Alec M. Davis, and submits the following POST-HEARING COMMENTS for consideration in the above-referenced matter.

**I. INTRODUCTION**

IERG appreciates the opportunity to provide the following comments with regard to the Illinois Environmental Protection Agency's ("Agency" or "Illinois EPA") proposal pending before the Illinois Pollution Control Board ("Board"). IERG supports the Board taking action to resolve the longstanding uncertainty facing the regulated community, in light of the U.S. EPA's discontinuation of the federal NOx Trading Program. IERG agrees with the revisions to the proposal, as described in the Agency's January 14, 2011 comments, and encourages the Board to incorporate those revisions into the proposal for first-notice. Post-Hearing Comments of the Illinois Environmental Protection Agency, *In the Matter of: Regulatory Proposal for NOx Trading Program Sunset Provisions for Non-Electric Generation Units ("Non-EGU.")*: *Amendments to 35 Ill. Adm. Code Part 217.Subpart U*, R11-8 (Ill.Pol.Control.Bd. Jan. 14, 2011).

**II. ILLINOIS EPA'S REVISIONS**

As explained in its comments, the Agency's revisions were intended to address a number of issues raised at the December 9, 2010 hearing. As a participant at the hearing, IERG asked a number of questions of the Agency intended to help IERG better understand the operation of the proposed sunset provisions, and the requirements that would remain applicable to the units subject to Subpart U. IERG is satisfied that the Agency's revisions adequately address our concerns, and support their being adopted by the Board.

**III. CONCLUSION**

IERG would like to thank the Illinois EPA for proposing revisions that are responsive to our concerns, as conveyed through questions at hearing; as well as the Board for providing the opportunity to present and for considering these comments. IERG would encourage the Board to adopt the Agency's revisions in advancing the proposal to first-notice.

Respectfully submitted,  
ILLINOIS ENVIRONMENTAL  
REGULATORY GROUP

By: /s/ Alec M. Davis  
Alec M. Davis

Dated: March 21, 2011

Alec M. Davis  
General Counsel  
Illinois Environmental Regulatory Group  
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