

ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULE

- 1) Heading of the Part: Clean Air Set-Aside
- 2) Code Citation: 35 Ill. Adm. Code 274
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
274.100	New Section
274.102	New Section
274.104	New Section
274.106	New Section
274.200	New Section
274.202	New Section
274.204	New Section
274.206	New Section
274.208	New Section
274.210	New Section
- 4) Statutory Authority: The Illinois Environmental Protection Act [415 ILCS 5/4]
- 5) A Complete Description of the Subjects and Issues Involved:

This proposal addresses procedural rules for implementing the Clean Air Interstate Rule (CAIR) Clean Air Set-Asides (CASA). In the Fall of 2007, the Pollution Control Board adopted rules implementing federal CAIR NO_x trading programs (35 Ill. Adm. Code 225, Subparts A, D, and E (R06-26)). This proposal provides procedures for the CASA NO_x allowance portion of the CAIR regulation. The proposal includes provisions for the eligible sources and entities to apply for CASA NO_x allowances, and for the Illinois EPA to distribute such allowances, and to maintain a website that lists the allowances available, application deadlines, and other relevant information.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: N/A
- 7) Will this proposed rule replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rule contain incorporations by reference? Yes

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- 10) Are there any other proposed rule(s) pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rule does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: An Agency hearing on the proposed regulations is scheduled for June 11, 2008, at 1:30 pm, Illinois Environmental Protection Agency, Bowling Alley, 1021 North Grand Avenue East, Springfield, Illinois. Questions or written comments concerning this rulemaking should reference the CAIR CASA procedures and be sent to the address below. The comment period closes on July 11, 2008.

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and

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business, small municipality, or not-for-profit that meets that applicable criteria pursuant to 35 Ill. Adm. Code Sections 225.455 through 225.475, Sections 225.555 through 225.575, may use the procedures to apply for CASA allowances.
- B) Reporting, bookkeeping or other procedures required for compliance:
The proposed rulemaking does not impose any requirements in addition to those adopted in 35 Ill. Adm. Code 225. The proposal contains procedures for applying for a voluntary program.

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- C) Types of Professional skills necessary for compliance: No professional skills beyond those currently required by the existing state and federal air pollution control regulations applicable to air pollution sources will be required.
- 14) Regulatory Agenda on which this rulemaking was summarized:
- 31 *Ill. Reg.* 17118, December 28, 2007.

The full text of the Proposed Rule begins on the next page: