

Reg Form 2008 Air Compliance

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- **Sierra Club v. EPA-U.S. Court of Appeals D.C. Circuit 8/18/08 Court struck down EPA rule which prohibited states from requiring greater monitoring than the Federal rule in Title V permits.**
- **Clean Air Act 42 USC v. 7661C (c) required monitoring which assures compliance with the permit.**
- **A number of Federal Circuit Courts deciding cases involving what is required in a Title V permit as to a compliance time table with existing and existing and threatened NOVs.**
- **Clean Air Interstate Rule (CAIR) was vacated by D.C. Circuit Court 7/11/08. The rule limited emissions of ozone and pm from electric power plants upwind from other states and areas. Rule involved SO₂ and NO_x, Rule 40 C.F.R. parts 51-52.**
- **New Jersey v. EPA D.C. Circuit #05-1097 is a case in which the mercury rule was vacated and has now petitioned for certiorari to the Supreme Court for review of the D.C. Circuit Decision, without the rule, MACT applies.**



- **EPA issued “Advance Notice of Proposed Rulemaking” “ANPR”- possible multisector regulation of CO₂.**
- **Delaware included CO₂ regulation in its SIP which EPA approved. Then 9/09/08 EPA General Counsel issued a statement that the approval was under reconsideration. EPA approval makes CO₂ a regulated pollutant and all that it entailed.**
- **Administrator Stephen Johnson is very reluctant to regulate CO₂ because of all the ramifications. EPA must start a registry as to emissions of CO₂, methane, NO_x hydrofluorcarbon, perfluorcarbon, and sulfur hexafluoride. Rule would apply to large sources only, Congress required as of one year ago.**
- **Regions 1, 5, 6, 8, and 9 of EPA are working on climate change plan.**
 - CAP and Trade is the leading proposal.
 - Also Capture and Sequestration (CCS).



- **Funding of DNR Air Program in serious trouble.**
- **November 4 ballot – Missouri Clean Energy Proposal which would require investor owned utilities to obtain 15% of energy from clean sources by 2021 with the costs capped at 1% annually.**
- **Midwest Climate Initiative, which is part of the Midwest Governor’s Association. Missouri basically has not been involved in an active way. Roger Walker has been monitoring. Six states have signed, Minnesota, Wisconsin, Illinois, Michigan, Iowa and Kansas along with one Canadian province, Manitoba. Missouri has not signed and is not an observer.**
- **The ultimate goal is to produce a “model greenhouse cap and trade” rule timetable targeted for next May.**

