

EPA Finds That Illinois Failed to Submit Plan Under Clean Air Act

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The U.S. Environmental Protection Agency recently published [a final rule in the Federal Register](#) finding that the State of Illinois failed to submit a State Implementation Plan ("SIP") to satisfy the attainment and maintenance interstate transport requirements of the Clean Air Act with respect to the 2006 24-hour National Ambient Air Quality Standards ("NAAQS") for fine particulate matter (24-hour PM_{2.5}).

Under the Clean Air Act, states are required to submit SIPs that satisfy the requirements of the Clean Air Act related to interstate transport of pollution. A state must address its significant contribution to nonattainment and its interference with maintenance of a NAAQS in any neighboring state. The Clean Air Act requires that states submit SIPs to meet the applicable requirements of the CAA within 3 years after the promulgation of a new or revised NAAQS, or within such shorter period as EPA may provide.

On September 21, 2006, EPA promulgated a final rule establishing new standards for the 24-hour PM_{2.5} NAAQS. At present, 29 states (including Illinois) or territories have not yet submitted complete SIPs to satisfy the nonattainment and maintenance transport requirements.

In its final rule, EPA made a finding of failure to submit these SIPs which creates a 2-year deadline for the promulgation of a Federal Implementation Plan by EPA unless, prior to that deadline, a state makes a submission to meet these two requirements of the Clean Air Act and EPA approves such submission.

Stay tuned to the Illinois Environmental Law Blog for more news and developments.