

## Implications of Court Decision Vacating CAIR

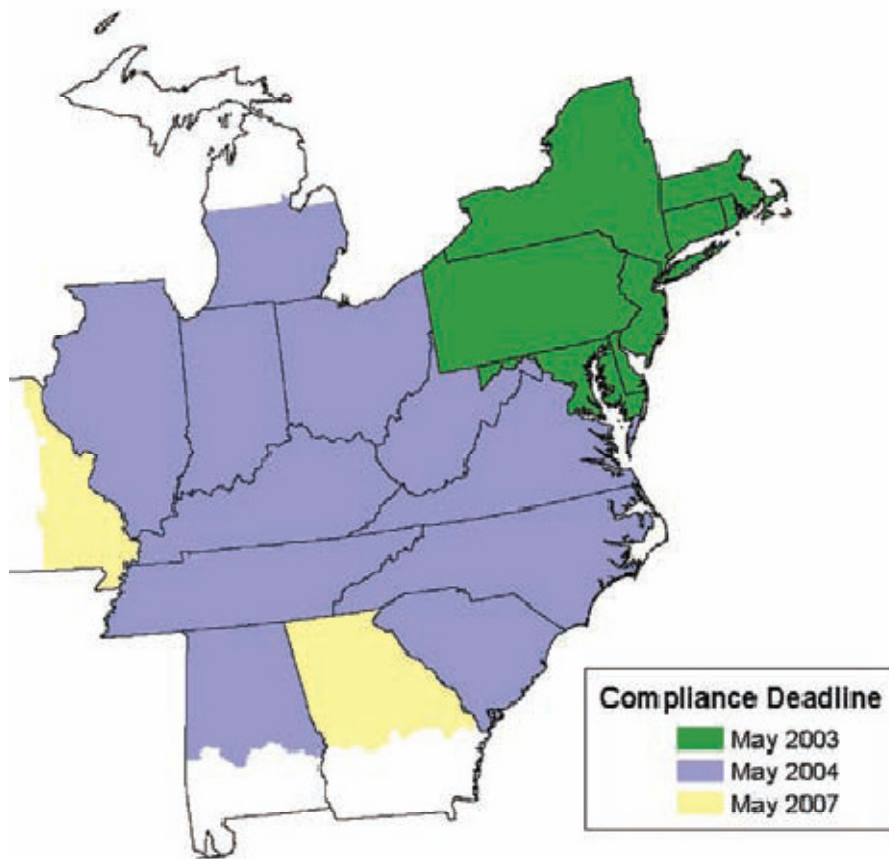
7/30/08

### CAIR Trading Program for Nitrogen Oxides (NO<sub>x</sub>) and Sulfur Dioxides (SO<sub>2</sub>) No Longer Exists

#### NO<sub>x</sub> Budget Trading Program Not Invalidated, but Different Scope Than CAIR

- CAIR annual, NBTP seasonal
- NBTP only covers NO<sub>x</sub>
- NBTP covers fewer states (21 plus DC for NBTP versus 28 plus DC for CAIR)

#### NO<sub>x</sub> Budget Trading Program States

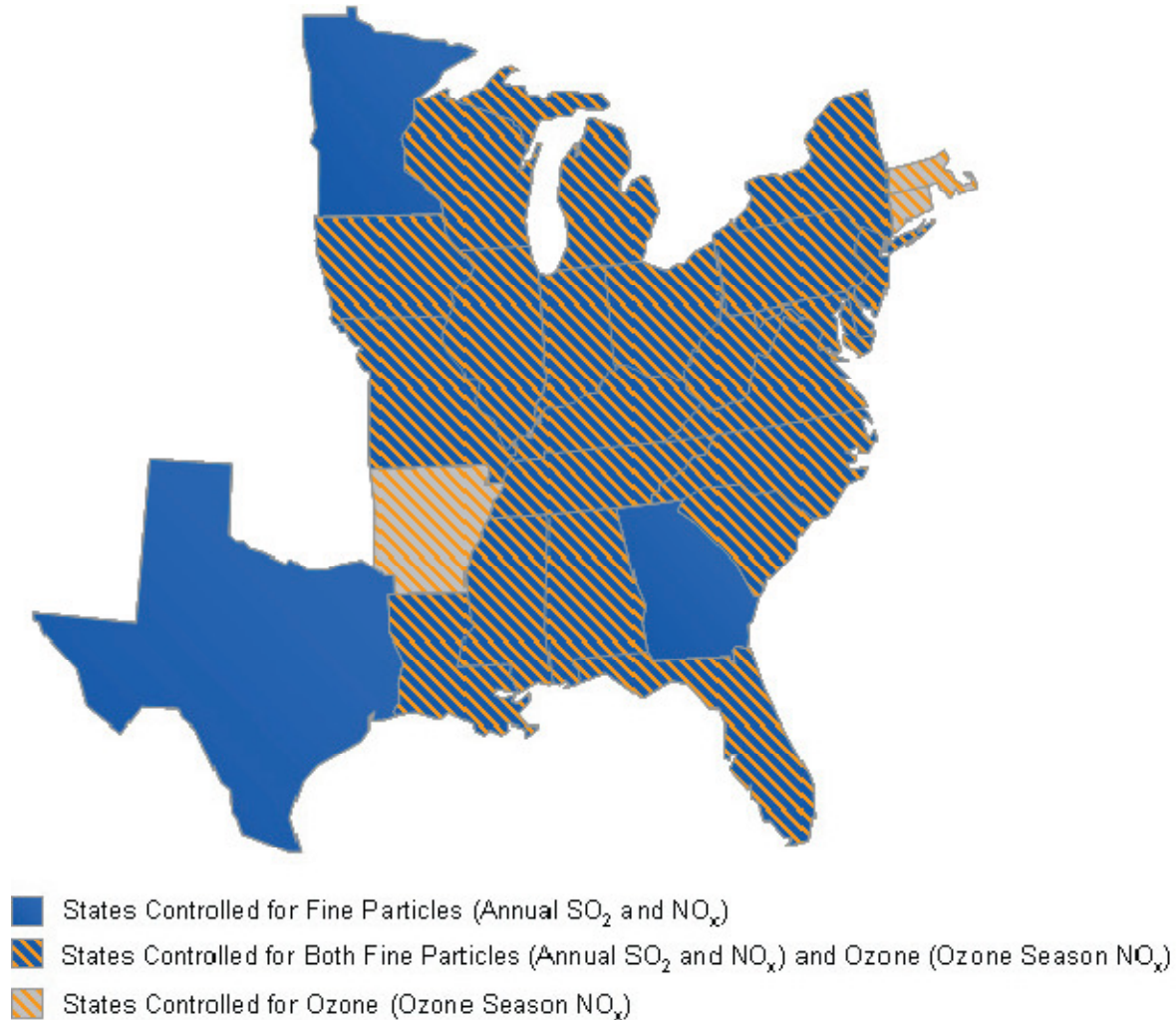


**Note:** Georgia is no longer part of the NO<sub>x</sub> SIP Call due to successful petitions/litigation.

**Source:** EPA NO<sub>x</sub> Budget Trading Program: 2005 Program Compliance and Environmental Results at p. 35.

<http://www.epa.gov/airmarkt/progress/docs/2005-NBP-Compliance-Report.pdf>

Map of CAIR states



Ten NBTP states need to reinstate the Program:

States that need to restore NO<sub>x</sub> Budget Trading Programs: AL (sunsetting by CAIR rule end of 2008), CT (sunsetting by CAIR rule), IN, MA (only issued allocations through 2008), MI (sunsetting effective 1/1/09); MO (sunsets in January 2009), NC (repealed as of 1/1/09), NJ, SC (sunsetting by CAIR regulation effective 4/30/09), TN (sunsetting by CAIR)

States with NO<sub>x</sub> Budget Trading Programs intact: DE, DC, IL, KY, MD, NY, OH, PA, RI (will need to restore 2009 allocations), VA and WV

Minnesota may be removed from CAIR by court decision

Court remanded to EPA—must reconsider Minnesota Power petition.