

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
NO _x TRADING PROGRAM:)	R06-22
AMENDMENTS TO 35 ILL. CODE)	(Rulemaking – Air)
PART 217)	

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S
MOTION FOR LEAVE TO FILE INSTANTER AND STATUS REPORT**

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys and, moves the Illinois Pollution Control Board (“Board”) to grant its request for leave to file the Status Report instanter. The Hearing Officer had ordered on October 29, 2007, that the Illinois EPA file a written status report 21 days within the date of the order or by November 19, 2007. The Illinois EPA inadvertently failed to file the Status Report but offers it at this time.

The Illinois EPA has had discussions with interested parties concerning R06-22, and will continue to do so. The Illinois EPA is in the process of evaluating whether the proposed amendments are now moot, or whether some of the amendments would best be addressed in an upcoming rulemaking concerning the transition of both industrial boilers and utility boilers from the NO_x SIP Call trading program to the Clean Air Interstate Rule (CAIR) trading program. The Illinois EPA is planning to proceed with that rulemaking early this winter, and, at that time it will be in the best position to determine whether any outstanding issues from R06-22 would be best addressed in that rulemaking or whether the above proposal, in an amended format, should proceed.

The Illinois EPA respectfully submits this Motion For Leave to File Instanter and Status Report.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Rachel L. Doctors
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