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MAY 13 2008

**STATE OF ILLINOIS
Pollution Control Board**

ILLINOIS POLLUTION CONTROL BOARD

May 13, 2008

IN THE MATTER OF:)
)
NO_x TRADING PROGRAM:) R06-22
AMENDMENTS TO 35 ILL. ADM. CODE) (Rulemaking - Air)
PART 217)

HEARING OFFICER ORDER

In an order dated October 29, 2007, the hearing officer noted that there had been no activity in this docket since April 20, 2006, and that the Board since that date had received no formal request to schedule hearings or take any other action in this matter. In the same order, the hearing officer directed the Illinois Environmental Protection Agency (Agency) as proponent to file a status report addressing the Agency's readiness to schedule and proceed to hearings.

On November 20, 2007, the Agency filed a status report. It stated, in pertinent part, that

[t]he 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. In the Matter of: NO_x Trading Program Amendments to 35 Ill. Adm. Code Part 217, R06-22 (Nov. 20, 2007).

Other than the January 9, 2008 filing of a withdrawal of an appearance, there has been no activity in this docket since the Agency filed its status report, and the Board since November 20, 2007, has not received a formal request either to schedule hearings or to take any other action in this matter. Furthermore, the Agency on May 9, 2008 filed In the Matter of: Amendments to 35 Ill. Adm. Code 217, Nitrogen Oxides Emissions, and 35 Ill. Adm. Code 211 (R08-19), which appears to address sources including both industrial boilers and utility boilers.

Accordingly, the Agency as proponent in this matter is directed to file a brief status report addressing whether the Agency has determined whether to proceed in this docket with an amended proposal or to address the proposed amendments in another docket. Specifically, the Agency is directed to file that brief status report within 30 days of the date of this order, on or before Thursday, June 12, 2008.

IT IS SO ORDERED.



Timothy J. Fox
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