

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
STATUS REPORT

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, and hereby submits its status report pursuant to Hearing Officer Order dated October 7, 2008.

On July 11, 2008, the Clean Air Interstate Rule (“CAIR”) rule was vacated by the United States Court of Appeals; however the requirements to address interstate transport from large NO_x sources remain. *North Carolina v. EPA*, No. 05-1244 (C.A.D.C. Cir. July 2008). The decision left the NO_x SIP Call trading program intact. The United States Environmental Protection Agency (“USEPA”) requested a rehearing on September 24, 2008. On December 23, 2008, the court reversed in part its earlier decision and remanded the CAIR rule to USEPA without vacatur. *North Carolina v. EPA*, 550 F.3d 1176 (C.A.D.C. 2008). This opinion means that the CAIR rule remains in effect.

In light of the above decision and the reinstatement of the obligation for meeting interstate NO_x reductions for industrial boilers, the Illinois EPA is planning to replace Subpart U with a new rule and withdraw this rulemaking, R06-22, at that time. The new rulemaking will integrate the Non-EGUs into the CAIR rule. The timetable for addressing that requirement is expected to be the Spring of 2009.

The Illinois EPA respectfully submits this Status Report.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Rachel L. Doctors
Rachel L. Doctors
Assistant Counsel
Air Regulatory Unit
Division of Legal Counsel

DATED: March 9, 2009

1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217.782.5544
217.782.9143 (TDD)
217.782.9807 (Fax)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS)
) **SS**
COUNTY OF SANGAMON)
)

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served electronically the attached STATUS REPORT of the Illinois Environmental Protection Agency upon the following persons:

John Therriault, Assistant Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

Kathleen C. Bassi
Schiff Hardin, LLP
6600 Sears Tower
233 S. Wacker Drive
Chicago, IL 60606-6473

N. LaDonna Driver
Illinois Environmental Regulatory Group
3150 Roland Ave.
Springfield, IL 62705-5776

William Richardson, Chief Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

Hodge Dwyer Zeman
3150 Roland Ave.
PO Box 5776
Springfield, IL 62705-5776

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

_____/s/_____
Rachel L. Doctors
Assistant Counsel
Air Regulatory Unit
Division of Legal Counsel

Dated: March 9, 2009

1021 North Grand Avenue East
Springfield, Illinois 62794-9276
(217) 782-5544
217.782.9143 (TDD)