



**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

MOTION TO FILE INSTANTER AND FOR EXTENSION OF TIME TO FILE RESPONSE  
TO MOTION FOR RECONSIDERATION AND CLARIFICATION OF THE ILLINOIS  
POLLUTION CONTROL BOARD'S AUGUST 20, 2009 ORDER

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA”), by and through its attorneys, and pursuant to 35 Ill. Adm. Code 101.522, hereby files a Motion to File Instanter and for Extension of Time to File Response to Motion for Reconsideration and Clarification of the Illinois Pollution Control Board’s August 20, 2009 Order, and, respectfully requests that the Illinois Pollution Control Board (“Board”) grants this motion for filing instanter and extension. In support of its Motion, the Illinois EPA states as follows:

1. On August 3, 2009, Illinois Environmental Regulatory Group (“IERG”) filed a MOTION FOR EMERGENCY RULE and MOTION FOR EXPEDITED ACTION ON THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP’S ALTERNATIVE PROPOSAL.
2. On August 6, 2009, the Board directed participants to file responses to the motions no later than Thursday, August 13, 2009. The Illinois EPA filed a response on August 13, 2009, and IERG filed a reply on August 17, 2009.
3. On August 20, 2009, the Board denied IERG’s Motions for Emergency Rulemaking.
4. On September 14, 2009, IERG filed a Motion for Reconsideration and Clarification arguing that the Board had misapplied the law when IERG’s Motions for Emergency Rulemaking were denied.
5. Responses to motions are due within 14 days after service of the document. The

# Electronic Filing - Received, Clerk's Office, Spetember 29, 2009

Illinois EPA was electronically served on September 14, 2009; therefore, its response to the above Motion for Reconsideration and Clarification was due September 28, 2009.

6. The Illinois EPA and IERG are in discussions concerning the issues raised in IERG's Motion for Reconsideration and Clarification, and as a result the Illinois EPA seeks an extension of time to October 12, 2009, for the response to the Motion for Reconsideration and Clarification. IERG has been informed of this Motion and does not object to the relief being requested.

7. This Motion for Extension would have been filed on September 28, 2009, but the parties were not able to fully confer until September 29, 2009, on the contents of this Motion requesting the extension.

WHEREFORE, for the reasons stated above, the Illinois EPA respectfully requests that the Board or Hearing Officer grant this Motion, and allow the Illinois EPA up to and including October 12, 2009, to file a response on IERG's Motion for Clarification.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: /s/

Rachel Doctors, Assistant Counsel  
Air Regulatory Unit  
Division of Legal Counsel

DATED: September 29, 2009

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**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 MOTION TO FILE INSTANTER AND FOR EXTENSION OF TIME TO FILE RESPONSE TO MOTION FOR RECONSIDERATION AND CLARIFICATION OF THE ILLINOIS POLLUTION CONTROL BOARD'S AUGUST 20, 2009 ORDER of the Illinois Environmental Protection Agency upon the following persons:

John Therriault, Assistant Clerk  
Timothy Fox, Hearing Officer  
Illinois Pollution Control Board  
State of Illinois Center  
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ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

\_\_\_\_\_  
/s/

Rachel Doctors, Assistant Counsel  
Air Regulatory Unit  
Division of Legal Counsel

Dated: September 29, 2009

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