

ILLINOIS POLLUTION CONTROL BOARD
November 25, 2009

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STATE OF ILLINOIS
Pollution Control Board

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

HEARING OFFICER ORDER

On November 10, 2009, the Illinois Environmental Protection Agency (Agency or Illinois EPA) filed a motion for extension of time to file a status report (Mot.). The motion notes that a Board order dated August 20, 2009, directed the Agency to file a status report in this proceeding by October 19, 2009. Specifically, the Board directed the Agency to address “whether and when it will be filing a withdrawal of this docket and submitting a new proposal addressing Non-EGUs and NO_x emissions.” Mot. at 1. On October 21, 2009, the Agency filed a motion to file *instanter* and for extension of the time to file its status report. In an order dated October 23, 2009, the hearing officer granted the motions and extended the deadline for filing the status report to November 10, 2009.

The Agency’s November 10, 2009, motion for extension states that “[t]he Parties are still in discussion about the issues involved in R06--22 and are not scheduled to confer again until late November. Hence, the Illinois EPA is requesting an extension for filing the status report until December 22, 2009.” Mot. at 2.

Section 101.500(d) of the Board’s procedural rules provides, in pertinent part, that,

[w]ithin 14 days after service of a motion, a party may file a response to the motion. If no response is filed, the party will be deemed to have waived objection to the granting of the motion, but the waiver of objection does not bind the Board or the hearing officer in its disposition of the motion.” 35 Ill. Adm. Code 101.500(d).

Having reviewed the substance of the motion and in the absence to date of any objection, the Agency’s motion for extension of time to file a status report is granted. The Agency is directed to file its status report on or before Tuesday, December 22, 2009. The “mailbox rule” at 35 Ill. Adm. Code 101.300(b)(2) does not apply to the filing of this status report, and the Board’s Clerk must receive the status report before the close of business on Tuesday, December 22, 2009. Although the status report may be filed electronically through the Clerk’s Office On-Line (COOL) from the Board’s Web site at www.ipcb.state.il.us, an electronic or approved fax filing must be received by the Clerk's Office no later than 4:30 PM on Tuesday, December 22, 2009. Any questions about electronic filing through COOL should be directed to the Clerk’s Office at (312) 814-3629.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'T. Fox', written over a horizontal line.

Timothy J. Fox
Hearing Officer
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