

ILLINOIS POLLUTION CONTROL BOARD

May 5, 2010

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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

In a status report filed on March 9, 2009, the Illinois Environmental Protection Agency (Agency) indicated that it expected during the spring of 2009 to file a new rulemaking proposal and withdraw the proposal in this docket. In the Matter of: NO_x Trading Program: Amendments to 35 Ill. Adm. Code Part 217, R06-22, slip op. at 1 (Mar. 9, 2009).

In an order dated August 20, 2009, the Board among other actions directed the Agency to file a status report within 60 days addressing whether and when it intends to file a separate rulemaking proposal. See In the Matter of: NO_x Trading Program: Amendments to 35 Ill. Adm. Code Part 217, R06-22, slip op. at 33 (Aug. 20, 2009). The Board also directed the Agency to "address whether it is prepared to schedule hearings in this docket, R06-22, or whether the docket should be dismissed." *Id.*

In an order dated October 23, 2009, the hearing officer granted the Agency's motion for an extension of the time to file a status report and extended the deadline for filing the status report to November 20, 2009. In an order dated November 25, 2009, the hearing officer granted the Agency's motion for a second extension of the time to file a status report and extended the deadline for filing the status report to December 22, 2009.

On December 18, 2009, the Agency filed its status report, which stated in pertinent part that the Agency "plans to file a Motion to Withdraw docket R06-22 in January 2010." In the Matter of: NO_x Trading Program: Amendments to 35 Ill. Adm. Code Part 217, R06-22, slip op. at 2 (Dec. 18, 2009). The Agency also stated that, when it withdraws the proposal, "it will also file a new proposal. . . ." *Id.* at 3.

The Board directs the Agency to file a brief status report or before Tuesday, June 15, 2010, indicating whether and when it intends to file a new rulemaking proposal, if it has not already done so. The Agency is directed to address in the same status report whether it is prepared to schedule hearings in this docket, R06-22, or whether the docket should be dismissed.

IT IS SO ORDERED.



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