

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
MOTION FOR LEAVE TO FILE INSTANTER AND STATUS REPORT**

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys and, moves the Illinois Pollution Control Board (“Board”) to grant its request for leave to file the Status Report instanter. The Hearing Officer had ordered on May 13, 2008, that the Illinois EPA file a written status report 30 days within the date of the order or by June 12, 2008. The Illinois EPA inadvertently failed to file the Status Report but offers it at this time.

The Illinois EPA has had discussions with interested parties concerning R06-22, and will continue to do so. The 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 this Fall, 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.

The Illinois EPA respectfully submits this Motion For Leave to File Instanter and Status Report.

Electronic Filing - Received, Clerk's Office, June 25, 2008

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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

DATED: June 25, 2008

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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 FOR LEAVE TO FILE INSTANTER AND 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
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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

and by electronic service from Springfield, Illinois on June 25, 2008.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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

Dated: June 25, 2008

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