

ORIGINAL

ILLINOIS POLLUTION CONTROL BOARD

July 2, 2008

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STATE OF ILLINOIS  
Pollution Control Board

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

**HEARING OFFICER ORDER**

In an order dated May 13, 2008, the hearing officer noted that, other than the filing of one withdrawal of appearance, there had been no activity in this docket since November 20, 2006. In the same order, the hearing officer directed the Illinois Environmental Protection Agency (Agency) as the proponent to file on or before June 12, 2008, a brief status report addressing whether the Agency had determined to proceed in this docket with an amended proposal or to address the proposed amendments in another docket.

On June 25, 2008, the Agency filed a motion for leave to file *instanter* and status report. In its motion, the Agency states that it inadvertently failed to file the status report by June 12, 2008 and moves the Board to grant its request for leave to file the status report *instanter*. The motion for leave to file *instanter* is granted, and the Agency's June 25, 2008, status report (Rep.) is accepted. See 35 Ill. Adm. Code 101.610(o).

The Agency's June 25, 2008, status report states that the Agency continues to discuss its rulemaking proposal with interested parties. Rep. at 1. The Agency further states that it

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<sub>x</sub> 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. *Id.*

Accordingly, the Agency as proponent in this matter is directed to file a brief status report addressing whether the Agency has determined whether to proceed in this docket with an amended proposal or to address the proposed amendments in another docket. Specifically, the Agency is directed to file that brief status report within 120 days of the date of this order, on or before Thursday, October 30, 2008.

IT IS SO ORDERED.



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Hearing Officer  
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