

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
STATUS REPORT**

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, and hereby submits its status report pursuant to Hearing Officer Order dated July 2, 2008.

On July 11, 2008, the Clean Air Interstate Rule (“CAIR”) rule was vacated by the United States Court of Appeals; however the requirements to address interstate transport from large NO_x sources remain. *North Carolina v. EPA*, No. 05-1244 (D.C. Cir. July 2008). The decision left the NO_x SIP Call trading program intact. The United States Environmental Protection Agency (“USEPA”) requested a rehearing on September 24, 2008, and the court has not yet ruled on that request.

In light of the above decision and the possible rehearing, the Illinois EPA is in the process of evaluating whether the proposed amendments affecting the NO_x SIP Call trading program are now moot, or whether some of the amendments would best be addressed when the Illinois EPA addresses its obligations to mitigate interstate transport. The timetable for addressing that requirement is uncertain at this time; the Illinois EPA will be in a better position to determine its timetable when the court rules on USEPA’s and other petitioners’ requests for rehearing.

The Illinois EPA respectfully submits this Status Report.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Rachel L. Doctors
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DATED: October 30, 2008

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STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)
)

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served electronically the attached STATUS REPORT of the Illinois Environmental Protection Agency upon the following persons:

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ILLINOIS ENVIRONMENTAL
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