

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

NOV 21 2003

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)	
)	
CLEAN-UP)	R04-10
AMENDMENTS TO 35 ILL.)	(Rulemaking - Air)
ADM. CODE PART 214)	
)	

NOTICE

TO:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

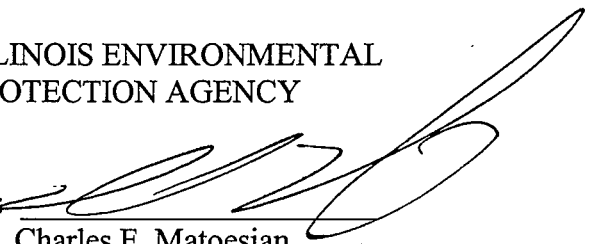
Matthew Dunn, Chief
Attorney General's Office
James R. Thompson Center
100 West Randolph, 12th Floor
Chicago, Illinois 60601

Katherine D. Hodge
Executive Director
Illinois Environmental Regulatory Group
3150 Roland Avenue
Springfield, IL 62703

Jonathan Furr
Chief Legal Counsel
Illinois Dept. of Natural Resources
524 South Second Street
Springfield, Illinois 62701-1787

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board a MOTION TO WITHDRAW, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
 Charles E. Matoesian
 Assistant Counsel
 Division of Legal Counsel

DATED: November 18, 2003
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

RECEIVED
CLERK'S OFFICE

NOV 21 2003

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)

CLEAN-UP)
AMENDMENTS TO 35 ILL.)
ADM. CODE PART 214)

R04-10
(Rulemaking - Air)

MOTION TO WITHDRAW

Now comes the Illinois Environmental Protection Agency ("Illinois EPA"), through Charles E. Matoesian, one of its attorneys, and pursuant to Section 101.500(a) of the Illinois Pollution Control Board's ("Board") procedural rules, moves that the Board grant its **MOTION TO WITHDRAW** its proposal for rulemaking and dismiss the instant rulemaking. In support of its request, the Illinois EPA states as follows:

1. On September 2, 2003, the Illinois EPA filed a proposal to correct several typographical errors in the "special formula" set forth at 35 Ill. Adm. Code Section 214.184 that is used to determine sulfur dioxide emissions from stationary sources.
2. On October 6, 2003, the Board issued an order requesting that the scope of the proposal be expanded to include correcting other errors that appear to have occurred when the old Board Rule 204 was re-codified in October 1983. It is not known if other errors exist, but the Illinois EPA would wish to research this.
3. The Illinois EPA, at the present time, cannot devote the necessary resources to comply with the Board's request. In addition, late next year, the Illinois EPA plans to propose amendments to Part 214 as part of its State Implementation Plan ("SIP") for the new National Ambient Air Quality Standards ("NAAQS") for fine particulate (PM 2.5).

Next year, when the Illinois EPA proposes amendments to Part 214 it will also propose amendments to the "special formula" set forth in 35 Ill. Adm. Code Section 214.184 and proceed with a general "clean-up" of the Part.

WHEREFORE, for the reasons stated above, the Illinois EPA respectfully requests the Board grant its motion to withdraw the instant proposal for rulemaking and close the docket in R04-10.

Respectfully submitted,
ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 

Charles E. Matoesian
Assistant Counsel
Division of Legal Counsel

DATED: November 18, 2003

1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
CLEAN-UP) **R04-10**
AMENDMENTS TO 35 ILL.) **(Rulemaking - Air)**
ADM. CODE PART 214)
)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached MOTION TO WITHDRAW upon the persons to whom it is directed, by placing it in envelopes addressed to:

TO:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

Matthew Dunn, Chief -
Attorney General's Office
James R. Thompson Center
100 West Randolph, 12th Floor
Chicago, Illinois 60601

Katherine D. Hodge
Executive Director
Illinois Environmental Regulatory Group
3150 Roland Avenue
Springfield, IL 62703

Jonathan Furr
Chief Legal Counsel
Illinois Dept. of Natural Resources
524 South Second Street
Springfield, Illinois 62701-1787

and mailing same by First Class Mail from Springfield, Illinois on November 18, 2003 with sufficient postage affixed.

SUBSCRIBED AND SWORN TO BEFORE ME

this 18th day of November, 2003

Notary Public