

ILLINOIS POLLUTION CONTROL BOARD

August 4, 2006

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R06-27
201 (NEW SECTION 201.501 PSD) (Rulemaking - Air)
CONSTRUCTION PERMITS))

ORDER OF THE BOARD (by T.E. Johnson):

On June 20, 2006, the Illinois Environmental Protection Agency (Agency) filed a proposal for rulemaking pursuant to Sections 27 and 28 of the Illinois Environmental Protection Act (415 ILCS 5/9.8, 27 and 28 (2004)). The Agency proposes the addition of a section to the air regulations that would eliminate an automatic 30-day stay of the effectiveness of prevention of significant deterioration of air quality (PSD) permits. Concurrent with the proposal, the Agency filed a motion for expedited review and for a special meeting.

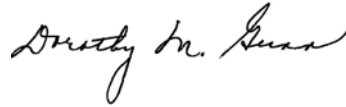
On June 22, 2006, the Board accepted the Agency's proposal for hearing and granted the motion for expedited consideration. In that order, the Board sent this matter to first notice without commenting on the merits of the proposal.

On July 18, 2006, the Agency filed a motion to withdraw the rulemaking proposal. In the motion, the Agency asserts that following the filing of this proposed rulemaking it had occasion to discuss the proposed rulemaking with the United States Environmental Protection Agency (USEPA), and has concluded that at this time, the interests of its PSD program would be best served by a withdrawal of the rulemaking proposal. Mot. at 2. The Agency states that it wishes to make clear its appreciation of the Board's expeditious handling of the proposal, and regrets that the Board's administrative resources were expended to that end. Mot. at 2-3. The Agency contends that while the proposed rulemaking was submitted to the Board in good faith, further consideration of the proposal in conjunction with USEPA input has led to the filing of the motion, and requests that the Board grant the motion to withdraw. Mot. at 3.

Motion practice in regulatory proceedings is governed by 35 Ill. Adm. Code 101. *See* 35 Ill. Adm. Code 102.402. If no response to a motion is filed within 14 days, objection to granting that motion will be deemed waived. *See* 35 Ill. Adm. Code 101.500(d). To date, no responses to the motion to withdraw have been filed. Accordingly, the Board grants the motion to withdraw the rulemaking proposal. The Board hereby dismisses the proposal and closes the docket.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 4, 2006, by a vote of 4-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board