

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
PROPOSED NEW CAIR SO ₂ , CAIR NO _x)	
ANNUAL AND CAIR NO _x OZONE SEASON)	R06-26
TRADING PROGRAMS, 35 ILL. ADM.)	(Rulemaking- Air)
CODE 225, CONTROL OF EMISSIONS)	
FROM LARGE COMBUSTION SOURCES,)	
SUBPARTS A, C, D and E)	

NOTICE

TO: Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601-3218

SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the MOTION TO WITHDRAW "MOTION TO AMEND RULEMAKING PROPOSAL", of the Illinois Environmental Protection Agency a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: _____
John J. Kim
Managing Attorney
Division of Legal Counsel

DATED: October 19, 2006
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217.782.5544
217.782.9143 (TDD)

**THIS FILING IS SUBMITTED
ON RECYCLED PAPER**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
)	R2006 - 026
PROPOSED Clean Air Interstate Rule (CAIR))	(Rulemaking – Air)
SO ₂ , NO _x Annual and NO _x Ozone Season)	
Trading Programs, 35 Ill. Adm. Code 225.)	
Subparts A, C, D and E)	
)	

MOTION TO WITHDRAW “MOTION TO AMEND RULEMAKING PROPOSAL”

NOW COMES the Proponent, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (Illinois EPA), by its attorneys, and pursuant to 35 Ill. Adm. Code 101.500 and 102.402, moves that the Illinois Pollution Control Board (Board) to withdraw the previously filed “MOTION TO AMEND RULEMAKING PROPOSAL” concerning new Part 225 Sections 225.325, 225.460, 225.560, 225.465, 225.565, 225.430, 225.530, 225.435, 225.535, 225.450, 225.550, 225.475, and 225.575. In support of its Motion, the Illinois EPA states as follows:

1. On May 30, 2006, the Illinois EPA filed a proposal with the Board to add new Subparts to Part 225, 35 Ill. Adm. Code Part 225, entitled "Control of Emissions from Large Combustion Sources." New subparts A, C, D and E, add SO₂, NO_x Annual and NO_x Ozone Season Trading Programs in Part 225. The Illinois EPA's proposal is intended to meet certain obligations of the State of Illinois under the federal Clean Air Act (CAA), 42 U.S.C. § 7401 *et seq.*; specifically, to satisfy Illinois' obligation to submit a State Implementation Plan to address the requirements of the Clean Air Interstate Rule (CAIR), *see*, 70 *Fed. Reg.* 25161 (May 12, 2005). Under CAIR, states are required to submit State plans to the United States Environmental Protection Agency by no later than September 11, 2006. *Id.* at 25319; 40 CFR § 51.123(d)(1).

2. A hearing was held on the above matter between October 10 and October 12, 2006. During that hearing the Illinois EPA filed a motion to amend the proposed rulemaking as a number of changes and clarifications were found to be necessary. Therefore, the Illinois EPA proposed to modify the rulemaking proposal to address the treatment of vintage year SO₂ allowances, the replenishment of CASA accounts, and changes to dates concerning when portions of the rule take effect. These amendments concerned Sections 225.325, 225.460, 225.560, 225.465, 225.565, 225.430, 225.530, 225.435, 225.535, 225.450, 225.550, 225.475, and 225.575 of the proposed new Part 225.
3. After the filing of the "Motion to Amend Rulemaking Proposal," and due to questioning at the aforesaid hearing, additional changes and clarifications were found to be necessary. Therefore, the Illinois EPA is now proposing to withdraw the previously filed motion to amend the proposed rulemaking. The Illinois EPA will instead file a new motion to amend the rulemaking proposal.
4. By reverting to the original proposed language for the rulemaking, it will be easier to trace the new proposed changes. This will ease confusion over the correct wording of the proposal and reduce both the Board's, and the participants', time when considering the proposed rulemaking.

WHEREFORE, for the reasons set forth above, the Illinois EPA moves that the Board grant its motion to withdraw the previously filed "Motion to Amend Proposed Rulemaking" as set forth herein.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: _____
John J. Kim
Managing Attorney
Division of Legal Counsel

DATED: October 20, 2006

1021 N. Grand Ave., East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

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 WITHDRAW “MOTION TO AMEND RULEMAKING PROPOSAL”

upon the following person:

Dorothy Gunn
Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph St., Suite 11-500
Chicago, IL 60601-3218

and mailing it by first-class mail from Springfield, Illinois, with sufficient postage affixed to the following persons:

SEE ATTACHED SERVICE LIST

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

John J. Kim
Managing Attorney
Division of Legal Counsel

Dated: October 19, 2006

1021 North Grand Avenue East
Springfield, Illinois 62794-9276
(217) 782-5544

SERVICE LIST
R06-26

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