

ILLINOIS POLLUTION CONTROL BOARD
November 16, 2006

IN THE MATTER OF:)
)
PROPOSED NEW CLEAN AIR) R06-26
INTERSTATE RULES (CAIR) SO₂, NO_x) (Rulemaking – Air)
ANNUAL AND NO_x OZONE SEASON)
TRADING PROGRAMS, 35 ILL. ADM.)
CODE 225. SUBPARTS A,C, D and E)

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

On May 30, 2006, the Board received a rulemaking proposal submitted by the Illinois Environmental Protection Agency (Agency) that proposes a new Part 225 to reduce intrastate and interstate transport of sulfur dioxide (SO₂) and nitrogen oxides (NO_x) emissions from fossil fuel-fired electric generating units (affected units), on an annual basis and on an ozone season basis of each calendar year. The Agency proposes the adoption of the Clean Air Interstate Rule (CAIR) SO₂ trading program, the CAIR NO_x Annual trading program and the CAIR NO_x Ozone Season trading program to accomplish this objective.

A hearing in this matter was held from October 10 through October 12, 2006, at the Illinois Environmental Protection Agency Office Building Training Room, 1214 West, 1021 North Grand Avenue East, North Entrance, in Springfield. A second hearing is scheduled to commence at 1:00 p.m. on November 28, 2006, at the James R. Thompson Center, Room 2-025, 100 West Randolph Street in Chicago.

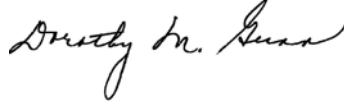
On October 11, 2006, the Agency filed a motion to amend the rulemaking proposal. On October 19, 2006, the Agency filed a motion to withdraw the motion to amend the rulemaking proposal. The Board received no response to either motion.

In the motion to withdraw, the Agency asserts that after the filing of the motion to amend, and due to questioning at the hearing, additional changes and clarifications were found to be necessary. Mot. at 1. The Agency therefore moves to withdraw the previously-filed motion to amend, and intends to file a new motion to amend the rulemaking proposal. *Id.* The Agency argues that by reverting to the original proposed language for the rulemaking, it will be easier to trace the new proposed changes, and that this will ease confusion over the correct wording of the proposal, thereby reducing both the Board's and the participants' time when considering the proposed rulemaking. *Id.*

As stated, the Board has received no responses to either the motion to amend or the motion to withdraw. If no response to a motion is filed within 14 days, objections to the granting of the motion will be deemed waived. *See* 35 Ill. Adm. Code 101.500(d) and 102.402. Accordingly, the Agency's motion to withdraw the motion to amend the rulemaking proposal is granted.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 16, 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