

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
NO_x TRADING PROGRAM:) R06-22
AMENDMENTS TO 35 ILL.) (Rulemaking – Air)
CODE PART 217)

MOTION FOR EXTENSION OF
TIME TO FILE STATUS REPORT

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA”), by and through its attorneys, and pursuant to 35 Ill. Adm. Code 101.522, hereby files a Motion for Extension of Time to File Status Report pursuant to the Illinois Pollution Control Board’s August 20, 2009 Order, and, respectfully requests that the Illinois Pollution Control Board (“Board”) grants this motion for extension. In support of its Motion, the Illinois EPA states as follows:

1. On August 3, 2009, Illinois Environmental Regulatory Group (“IERG”) filed a MOTION FOR EMERGENCY RULE and MOTION FOR EXPEDITED ACTION ON THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP’S ALTERNATIVE PROPOSAL.

2. On August 6, 2009, the Board directed participants to file responses to the motions no later than Thursday, August 13, 2009. The Illinois EPA filed a response on August 13, 2009, and IERG filed a reply on August 17, 2009.

3. On August 20, 2009, the Board denied IERG’s Motions for Emergency Rulemaking and ordered the Agency to file a Status Report on or before October 19, 2009, indicating whether and when it will be filing a withdrawal of this docket and submitting a new proposal addressing Non-EGUs and NO_x emissions.

4. On September 14, 2009, IERG filed a Motion for Reconsideration and Clarification arguing that the Board had misapplied the law when IERG’s Motions for Emergency Rulemaking were denied.

5. On September 28, 2009, the Illinois EPA filed Motion to File Instanter and

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Motion for Extension to File a Response seeking an extension of time to October 12, 2009, for the response to the Motion for Reconsideration and Clarification.

6. On October 1, 2009, the Hearing Officer granted an extension until October 13, 2009.

7. On September 24, 2009, the Illinois EPA received a letter from USEPA confirming that Non-EGUs were not required to hold allowances for the 2009 control period. A copy of that letter is attached.

8. On October 14, 2009, the Illinois EPA filed another Motion for Extension for Filing a Response to the Motion for Reconsideration and Clarification, until October 26, 2009.

9. On October 15, 2009, IERG withdrew the portion of its Motion for Reconsideration and Clarification that concerned the Reconsideration, but left the issue of clarification before the Board.

10. On October 21, the Illinois EPA filed a Motion for Filing Instantly and Extension would have been filed on October 19, 2009. On October 23, 2009, the Hearing Officer granted the Motion for Extension until November 10, 2009.

11. On October 26, 2009, the Illinois EPA filed a Response to IERG's Motion for Reconsideration and Clarification of the Board's August 20, 2009 Board Order.

12. The Parties are still in discussions about the issues involved in R06-22 and are not scheduled to confer again until late November. Hence, the Illinois EPA is requesting an extension for filing the status report until December 22, 2009.

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WHEREFORE, for the reasons stated above, the Illinois EPA respectfully requests that the Board or Hearing Officer grant this Motion for Extension of Time to File a Status Report, and allow the Illinois EPA up to and including December 22, 2009, to file the Status Report for Docket R06-22.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ _____

Rachel Doctors, Assistant Counsel
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DATED: November 10, 2009

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)
)

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served electronically the attached MOTION FOR EXTENSION OF TIME TO FILE STATUS REPORT of the Illinois Environmental Protection Agency upon the following persons:

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ILLINOIS ENVIRONMENTAL
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_____/s/_____

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Dated: November 10, 2009

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