



**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF: )  
 )  
NO<sub>x</sub> TRADING PROGRAM: ) R06-22  
AMENDMENTS TO 35 ILL. ) (Rulemaking – Air)  
CODE PART 217 )

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, and pursuant to the Illinois Pollution Control Board’s May 5, 2010 Order, submits the following Status Report.

1. The Illinois EPA incorporates by reference paragraphs 1-12 of its December 18, 2009, status report.
2. On December 12, 2010, the Illinois EPA filed a Status Report that stated that it plans to file a Motion to Withdraw docket R06-22. The amendments proposed in the Illinois EPA’s initial proposal of updating NO<sub>x</sub> allocations under the NO<sub>x</sub> State Implementation Plan (“SIP”) Call, provisions for low mass emitters and other amendments are now moot, because USEPA is no longer administering the NO<sub>x</sub> SIP Call program as indicated in its letter of September 24, 2009 (Attached to the Illinois EPA’s Motion of October 14, 2009). Any amendments to the NO<sub>x</sub> SIP Call Trading Program are, therefore, unnecessary and not federally approvable. And that at the same time that the Illinois EPA files its Motion to Withdraw docket R06-22, it will also file a new proposal sunsetting only the trading portions of the NO<sub>x</sub> SIP Call Trading program, and retaining the monitoring, recordkeeping and reporting elements as required by the Clean Air Interstate Rule.
3. On May 5, 2010, the Hearing Officer directed the Illinois EPA to file a Status Report on or before June 15, 2010.
4. The Illinois EPA is still in development of its Motion to Withdraw and a

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Rulemaking Proposal. It plans to file both a Motion to Withdraw and a Rulemaking Proposal this Summer.

5. The Illinois EPA discussed the contents of this Status Report with Alec Davis of IERG.

WHEREFORE, for the reasons stated above, the Illinois EPA respectfully requests that the Board or Hearing Officer accept this Status Report for Docket R06-22.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: /s/ \_\_\_\_\_

Rachel Doctors, Assistant Counsel  
Air Regulatory Unit  
Division of Legal Counsel

DATED: June 15, 2010

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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**STATE OF ILLINOIS**                            )  
  )  
**COUNTY OF SANGAMON**                    )           **SS**  
  )  
  )

**CERTIFICATE OF SERVICE**

I, the undersigned, an attorney, state that I have served electronically the attached STATUS REPORT of the Illinois Environmental Protection Agency upon the following persons:

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PROTECTION AGENCY

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

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