

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
COAL COMBUSTION WASTE (CCW) AND)	R14-10
SURFACE IMPOUNDMENTS AT POWER)	(Rulemaking – Water)
GENERATING STATIONS: PROPOSED)	
NEW 35 ILL. ADM. CODE 841)	

NOTICE OF FILING

TO: Mr. John T. Therriault	Mr. Tim Fox
Assistant Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	100 West Randolph Street
Suite 11-500	Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)	(VIA FIRST CLASS MAIL)

(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Board THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP'S RESPONSE TO THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S MOTION TO EXTEND THE STAY and ENTRY OF APPEARANCE OF ANTONETTE R. PALUMBO, copies of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
REGULATORY GROUP,

Dated: March 16, 2016

By: /s/ Antonette R. Palumbo
Antonette R. Palumbo

Antonette R. Palumbo
Legal Counsel
Illinois Environmental Regulatory Group
215 East Adams Street
Springfield, Illinois 62701
(217) 522-5512

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ENTRY OF APPEARANCE OF ANTONETTE R. PALUMBO

NOW COMES Antonette R. Palumbo, of the ILLINOIS ENVIRONMENTAL REGULATORY GROUP, and hereby enters her appearance in this matter on behalf of the Illinois Environmental Regulatory Group.

Respectfully submitted,

By: /s/ Antonette R. Palumbo
Antonette R. Palumbo

Dated: March 16, 2016

Antonette R. Palumbo
Legal Counsel
Illinois Environmental Regulatory Group
215 East Adams Street
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**THE ILLINOIS ENVIRONMENTAL
REGULATORY GROUP'S RESPONSE TO THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY'S MOTION TO EXTEND THE STAY**

NOW COMES the ILLINOIS ENVIRONMENTAL REGULATORY GROUP ("IERG"), by and through its attorney, Antonette R. Palumbo, and in accordance with 35 Ill. Adm. Code 101.500(d), files its Response to the Illinois Environmental Protection Agency's ("Illinois EPA" or "Agency") Motion to Extend the Stay.

IERG is an Illinois non-profit corporation affiliated with the Illinois Chamber of Commerce. IERG is comprised of fifty-three (53) member companies that are regulated by governmental agencies that promulgate, enforce, or administer environmental laws, rules, regulations, or other policies. One of IERG's primary roles is to represent the interests of its members in rulemakings before the Illinois Pollution Control Board ("Board"). Several of IERG's Members will be impacted by this proceeding. As such, IERG seeks this opportunity to file a Response in support of the Illinois EPA's Motion.

I. INTRODUCTION

Illinois EPA filed its Motion to Extend the Stay on March 4, 2016, in addition to a Status Report, as directed by the Board in its November 5, 2015, Order. In that Order, the Board extended a previously granted stay for 120 days and directed the Agency to file a status report by

March 4, 2016, and address several issues raised by the Board, in the event it sought a further stay.

II. IERG'S SUPPORT OF AN EXTENDED STAY

IERG supports the Board's grant of a 90-day stay in this rulemaking. As noted by the Agency in its Status Report and Motion, neither the Environmental Groups nor regulated entities opposed such a stay. The federal rule is self-implementing, and regulated entities, including IERG's Members, need time to engage in a discussion with the Agency about Illinois-specific regulations in light of this rule. The Agency's March 4th filing discussed the ongoing federal litigation and legislation that could affect the federal rule. The Board's November 5, 2015, Order also recognized the changes the pending litigation and proposed federal legislation could bring to the federal rule which, in turn, may result in a State regulation that is inconsistent with federal requirements.

As such, IERG respectfully requests the Board grant the Agency's Motion to Extend the Stay. IERG Members are keen to participate in the Illinois EPA's stakeholder outreach during the stay in order to determine the most effective resolution for this rulemaking. The Illinois EPA identified seven differences between the federal rule and its most recent proposed regulations. Many of these differences are significant. IERG urges the Board to grant this stay and allow Illinois EPA to resolve these differences with the stakeholders in order to avoid any unnecessary proceedings.

III. CONCLUSION

The regulations pertaining to coal combustion waste are currently in flux. The uncertainties that continue to surround the federal rule warrant a continuation of the stay. IERG

contends that the most prudent course of action is for the Board to grant the Illinois EPA's request for a 90-day stay and allow the Agency to conduct the necessary outreach to harmonize the Illinois regulations with the federal rule.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
REGULATORY GROUP

Dated: March 16, 2016

By: /s/ Antonette R. Palumbo
Antonette R. Palumbo

Antonette R. Palumbo
Legal Counsel
ILLINOIS ENVIRONMENTAL
REGULATORY GROUP
215 East Adams Street
Springfield, Illinois 62701
(217)522-5512

CERTIFICATE OF SERVICE

I, Antonette R. Palumbo, the undersigned, hereby certify that I have served THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP'S RESPONSE TO THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S MOTION TO EXTEND THE STAY and ENTRY OF APPEARANCE OF ANTONETTE R. PALUMBO upon:

Mr. John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic filing on March 16, 2016; and upon:

Mr. Tim Fox
Hearing Officer
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Chicago, Illinois 60601

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by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois on March 16, 2016.

By: /s/ Antonette R. Palumbo
Antonette R. Palumbo