

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:

PETITION OF EAST DUBUQUE NITROGEN
FERTILIZERS, LLC FOR ADJUSTED
STANDARD

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)
) AS 2024-002
) (Adjusted Standard – Air)
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NOTICE OF FILING

To: Don A. Brown, Clerk of the Board
Illinois Pollution Control Board
60 E. Van Buren St., Suite 630
Chicago, Illinois 60605

Gina Roccaforte
Dana Vetterhoffer
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794

Brad Halloran
Hearing Officer
Illinois Pollution Control Board
60 E. Van Buren St., Suite 630
Chicago, IL 60605

PLEASE TAKE NOTICE that today I have electronically filed with the Office of the Clerk of the Illinois Pollution Control Board **PETITIONER EDNF'S STATUS REPORT AND MOTION TO EXTEND STAY OF PROCEEDING** and a **CERTIFICATE OF SERVICE**, which are attached and copies of which are herewith served upon you.

Dated: September 20, 2024

Respectfully submitted,

/s/ John M. Heyde
East Dubuque Nitrogen Fertilizers, LLC
By One of Its Attorneys

Byron F. Taylor
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AS 2024-002
(Adjusted Standard – Air)

On September 5, 2023, the Illinois Environmental Protection Agency (“Illinois EPA”) filed a motion to stay this proceeding while the Board considered EDNF’s rulemaking proposal filed in Docket R23-18(A). The Board granted this motion and initially entered a stay that ran through December 27, 2023. Illinois EPA filed a motion with the hearing officer to extend that stay on December 13, 2023. That motion was granted, extending the stay to April 25, 2024.

Illinois EPA moved to extend the stay again on April 10, 2024, and that motion was granted, extending the stay to September 23, 2024.

During this period, the Board conducted public hearings on the petitions of EDNF and others in Docket R23-18(A) for revisions to Parts 212, 215, 216, and 217 of Title 35. The Board issued an opinion approving the proposed revisions of EDNF and most other petitioners for “second notice” on July 25, 2024. The Joint Committee on Administrative Rules (“JCAR”) issued a Certificate of No Objection to the second-notice proposal on August 14, 2024. The Board voted to finalize the rule revisions on August 22, 2024.

On September 13, 2024, the final rule revisions from Docket R23-18(A) were published in the *Illinois Register*. The Notice of Adopted Amendments lists the effective date of the rule revisions as August 30, 2024. The Illinois Environmental Protection Act provides that any appeal of the rule revisions must be filed with the appellate court within 35 days of the effective date. 415 ILCS 5/41, 29(a). The 35-day period will run on Friday, October 4, 2024.

Motion to Extend Stay

EDNF asks that the hearing officer extend the stay in this proceeding for an additional 39 days beyond its scheduled expiration on September 23, 2024. This will extend the stay until Friday, November 1, 2024. That will provide EDNF sufficient time to learn whether any party has filed an appeal of the rule revisions in Docket R23-18(A) with the appellate court and consider whether this adjusted standard proceeding remains necessary to afford EDNF the relief it sought in its petition.

Following the time for appeal in Docket R23-18(A), if EDNF determines that the rule revisions have given it the full relief sought in its petition in this proceeding, EDNF expects to request that this proceeding be dismissed.

Dated: September 20, 2024

Respectfully submitted,

/s/ John M. Heyde

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By One of Its Attorneys

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on September 20, 2024, I have served the attached **Petitioner EDNF's Status Report and Motion to Extend Stay of Proceeding** upon the following persons by electronic mail.

I further state that my email address is as stated in the signature block below, that the number of pages in this email transmission is six, and that the email transmission took place before 4:30 p.m. on September 20, 2024.

Don A. Brown, Clerk of the Board
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Dated: September 20, 2024

/s/ John M. Heyde

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