

January 21, 2014

Mr. John Therriault  
Clerk, Illinois Pollution Control Board  
100 W. Randolph St. Suite 11-500  
Chicago, IL 60601

Dear Mr. Therriault,

Illinois Marine Towing (IMT) is a family-owned regional towing and fleet operator that provides services on the Illinois River waterway and throughout the greater Chicago area. IMT owns and operates 10 towboats and about 80 hopper barges that carry a variety of bulk dry materials in the Chicago area, including petroleum coke (petcoke) and coal. IMT towboats also move barges for a variety of different barge companies servicing facilities in and around Chicago. Overall, we employ 130 Illinoisans and we are proud to be part of the economic engine driving Chicagoland.

Thank you for the opportunity to comment on the designation of “emergency disaster” for the rules proposed by the Illinois Environmental Protection Agency (IEPA) involving operators of petcoke, coal, and bulk material storage facilities. We support the comments of the Chemical Industry Council of Illinois (CICI) and the American Waterways Operators (AWO).

IMT would be greatly and negatively affected by the emergency designation, and we urge the Illinois Pollution Control Board (IPCB) to reject it. Section 27(c) of the Illinois Environmental Protection Act clearly states that the IPCB may only permit administrative emergency rulemaking when one or more of the following condition exists: a disaster emergency, a severe public health emergency, or a situation which reasonably constitutes a threat to the public interest, safety, or welfare. It is clear that IEPA’s proposed rules do not rise to the level of an “emergency disaster” under Illinois law. See, for example, *Citizens for a Better Environment v. Pollution Control Board*, 152 Ill. App. 3d 105, 504 N.E.2d 166 (1st Dist. 1987).

Illinois Marine Towing has not contributed to or created any public health or disaster-related emergencies in or handling of petcoke, coal, or other bulk materials. None of the conditions involving our operations that would warrant an emergency rulemaking currently exist. According to the U.S. Environmental Protection Agency, petcoke is non-toxic and non-hazardous, and there are no known illnesses or health effects associated with petcoke dust. Their report can be accessed at [http://www.epa.gov/chemrtk/hpvis/hazchar/Category\\_Petroleum%20Coke\\_June\\_2011.pdf](http://www.epa.gov/chemrtk/hpvis/hazchar/Category_Petroleum%20Coke_June_2011.pdf). In addition, nothing has changed regarding the handling of coal that would constitute any kind of emergency.

It appears that IEPA is improperly using the emergency rulemaking procedures in an attempt to circumvent the correct rulemaking process. The implications of an emergency designation are widespread and will not only negatively affect Illinois Marine Towing, but also the many manufacturers, utilities, and transportation companies nationwide that rely on petcoke and coal

for their businesses. Given these significant impacts, it is clear that the regular rulemaking process, with its public input and legislative review, is both needed and deserved.

Thank you for the opportunity to comment. Please do not hesitate to let us know if we can provide any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Robert Barnes".

Robert Barnes  
General Manager  
Illinois Marine Towing, Inc.