

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF: )  
 )  
EMERGENCY RULEMAKING ) R14-20  
REGARDING REGULATIONS OF ) (Rulemaking-Air/Land/Water)  
COKE/BULK TERMINALS: NEW 35 ILL. )  
ADM. CODE 213 )

**NOTICE**

To: John Therriault, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601-3218


Marie Tipsord  
Hearing Officer  
Illinois Pollution Control Board  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601

**SEE ATTACHED SERVICE LIST**

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the MOTION TO STAY PROCEEDINGS of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Dana Vetterhoffer  
Assistant Counsel  
Division of Legal Counsel

DATED: February 20, 2014

1021 N. Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 782-5544

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**MOTION TO STAY PROCEEDINGS**

The Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), by and through its attorneys, hereby requests that the Illinois Pollution Control Board (“Board”) stay proceedings in this matter pending the development and proposal of a general rulemaking by the Agency. In support of its Motion, the Illinois EPA states as follows:

On January 16, 2014, the Illinois EPA filed with the Board a Proposal and Motion for Emergency Rulemaking, proposing control measures to address inadequately controlled fugitive particulate matter emissions and inadequately controlled stormwater and wastewater discharges from coke and coal bulk terminals on an emergency basis. On January 23, 2014, the Board issued an order denying the Illinois EPA’s motion and declining to adopt an emergency rule, but the Board noted that the rules governing bulk terminal operations for petcoke and coal could be improved. Additionally, the Board indicated that the proposal will benefit by proceeding through the regular rulemaking process and, therefore, the Board will continue with the proposal as a general rulemaking.

Consequently, on January 29, 2014, the Hearing Officer issued an order directing the Illinois EPA to provide additional information required by Section 102.202 of the Board’s rulemaking regulations as an amendment to the Agency’s proposal, or to file a motion requesting additional time to provide such information, by March 3, 2014. The Hearing Officer Order

indicated that, if the Illinois EPA does not wish to amend its proposal and instead prefers to proceed with the proposed amendments already filed, hearings will be scheduled.

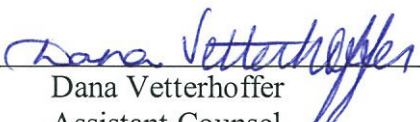
The Illinois EPA's emergency rulemaking proposal was intended to address emissions and discharges from coke and coal bulk terminals on an emergency basis, and was not developed as a comprehensive, long-term approach to regulating such operations. As explained in the Agency's Reply to Responses to Emergency Rulemaking Proposal, filed with the Board on January 22, 2014, the Agency intends to file a general rulemaking proposal with the Board, but only after conducting outreach with affected parties and fully exploring permanent control strategies. Such outreach and rule development will take time, as will development of all technical aspects of a general rulemaking proposal. The Agency will need to develop a new Statement of Reasons with environmental and economic justification for the proposal, technical support for any proposed control measures, and a synopsis of testimony the Agency intends to present at hearing, and will need to comply with all other requirements set forth in the Board's regulations. It is not possible to complete this outreach, rule development, and preparation of required documents for filing with the Board by the March 3, 2014, deadline set forth in the Hearing Officer Order.

Filing a general rulemaking proposal that reflects input from stakeholders and provides for long-term, comprehensive regulation of petcoke and coal bulk terminals by March 3, 2014, is untenable. The Illinois EPA therefore requests that the Board stay proceedings in this matter pending the development and proposal of a general rulemaking by the Agency. Proceeding with a general rulemaking regarding the regulation of coke and coal bulk terminals will be appropriate after outreach is complete and the Agency has had sufficient opportunity to investigate appropriate long-term control approaches, develop regulations implementing those approaches,

and develop a rulemaking submittal in compliance with Board regulations. The Agency needs to undertake all of these steps before proposing a general rulemaking. If desired by the Board, the Agency is amenable to conducting quarterly status calls with the Hearing Officer regarding the Agency's rule development progress.

WHEREFORE, the Illinois EPA requests that the Board stay proceedings in this matter pending the development and proposal of a general rulemaking by the Agency.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Dana Vetterhoffer  
Assistant Counsel  
Division of Legal Counsel

DATED: February 20, 2014  
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**CERTIFICATE OF SERVICE**

I, the undersigned, an attorney, state that I have electronically served the attached MOTION TO STAY PROCEEDINGS of the Illinois Environmental Protection Agency upon the following persons:

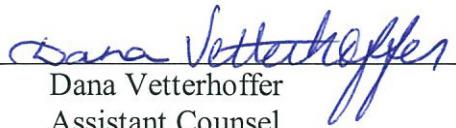
John Therriault, Clerk  
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100 West Randolph, Suite 11-500  
Chicago, Illinois 60601-3218

Marie Tipsord  
Hearing Officer  
Illinois Pollution Control Board  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601

and that I am mailing it by first-class mail from Springfield, Illinois, with sufficient postage affixed, to the following persons:

**SEE ATTACHED SERVICE LIST**

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Dana Vetterhoffer  
Assistant Counsel  
Division of Legal Counsel

DATED: February 20, 2014  
1021 N. Grand Ave. East  
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