

Board Rejects Emergency Rules for Coke/Coal Bulk Terminals

The Board, on January 23, 2014, rejected proposed emergency rules that would have imposed additional Statewide requirements on the handling of coke and coal, including petroleum coke or “petcoke,” at bulk terminals and other specified facilities. The Illinois Environmental Protection Agency (IEPA), on January 16, 2014, filed the emergency rulemaking, docketed as In the Matter of: Emergency Rulemaking Regarding Regulation of Coke/Coal Bulk Terminals: New 35 Ill. Adm. Code 213 (R14-20). With its proposed emergency rules, IEPA sought to require numerous immediate measures, including road paving; dust suppression systems; setbacks, containment of stormwater; and disposal of any coke or coal that has been on-site for more than one year.

The Board allowed for responses to the proposal and allowed IEPA the opportunity to reply. The Board received 34 comments. After careful consideration of the record, the Board determined that it could not adopt IEPA’s proposed emergency rules because the statutory test for an “emergency” had not been met. Specifically, the Board found that IEPA failed to prove “that a situation exists which reasonably constitutes a threat to the public interest, safety or welfare” (415 ILCS 5/27(c) (2012)). However, the Board will continue with IEPA’s proposal under the general rulemaking process.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board’s Web site and may be downloaded from the Web without charge. Hard copies may be obtained from the Clerk’s office upon payment of reproduction fees as prescribed by of the Freedom of Information Act at the following address:

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