

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF: )  
 )  
EMERGENCY RULEMAKING ) R14-20  
 ) (Rulemaking-Air/Land/Water)  
REGARDING REGULATIONS OF )  
 )  
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 STATUS REPORT AND 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: Jan. 12, 2015

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

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**STATUS REPORT AND MOTION TO STAY PROCEEDINGS**

In compliance with the Illinois Pollution Control Board's ("Board") Order dated July 10, 2014, and 35 Ill. Adm. Code 101.514(b), the Illinois Environmental Protection Agency ("Illinois EPA" or "Agency"), by and through its attorneys, hereby provides the following status report to the Board regarding the Agency's rule development efforts. The Agency also hereby requests that these proceedings be stayed for an additional 90 days. In support of its Motion, the Illinois EPA states as follows:

Background

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.

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.

On February 20, 2014, the Illinois EPA filed a Motion to Stay Proceedings ("Motion to Stay"), in which it explained that its 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. The Agency further explained that it 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. The Agency indicated that it was not possible to complete this outreach, rule development, and preparation of required documents for filing with the Board by the March 3, 2014, deadline.

The Board granted the Agency's Motion to Stay until June 23, 2014, and directed the Agency to provide the Board a status report at that time and request an additional stay if necessary. On June 23, 2014, the Agency filed a status report with the Board and requested that proceedings be stayed further, pending the Agency's actions to investigate appropriate long-term


control approaches, develop regulations implementing those approaches, and develop a rulemaking submittal in compliance with Board regulations. On July 10, 2014, the Board granted the Agency's request for an additional stay until Jan. 12, 2015. The Board indicated, "At that time IEPA must provide a status report to the Board and may request an additional stay. If substantial progress has not been made the Board may consider closing this docket."

Status Report and Request for Additional Stay

The Agency continues its outreach efforts with potentially impacted parties, and will continue to do so as rule development continues. The Agency appreciates that this proceeding cannot be continued indefinitely, but requests an additional stay of 90 days to give the Agency an opportunity to update the new administration regarding this matter. At that time, the Agency should be able to provide the Board greater detail regarding how the Agency intends to proceed.

WHEREFORE, the Illinois EPA requests that this proceeding be stayed for an additional 90 days.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Dana Vetterhoffer  
Assistant Counsel  
Division of Legal Counsel

DATED: January 12, 2015  
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**CERTIFICATE OF SERVICE**

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


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

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: Jan. 12, 2015  
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Springfield, IL 62794-9276  
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