

ILLINOIS POLLUTION CONTROL BOARD

October 5, 2023

IN THE MATTER OF:)
)
PETITION OF RAIN CII CARBON LLC) AS 24-5
FOR AN ADJUSTED STANDARD FROM) (Adjusted Standard - Air)
35 ILL. ADMIN. CODE §§ 201.149, 212.123,)
and 212.322, 215.301)

ORDER OF THE BOARD (by M.D. Mankowski):

On August 15, 2023, Rain CII Carbon LLC (Rain Carbon) filed a petition (Pet.) pursuant to Section 28.1 of the Environmental Protection Act (Act) and Part 104 of the Board’s procedural rules. *See* 415 ILCS 5/28.1 (2022); 35 Ill. Adm. Code 104 Subpart D. Rain Carbon petitions the Board for an adjusted standard from Sections 201.149, 212.123, 212.322, and Section 215.301. Specifically, Rain Carbon seeks adjusted standards from Illinois regulatory requirements for opacity, particulate matter, and volatile organic material at its kilns at its coke calcining facility in Robinson, Illinois, during periods of startup, malfunction and breakdown.

Section 28.1 of the Act and Section 104.408 of the Board’s procedural rules require publication of notice of an adjusted standard proceeding in a newspaper of general circulation in the area affected by the petitioner’s activity. 415 ILCS 5/28.1(d)(1)(2022); 35 Ill. Adm. Code 104.408(a). Notice must be published within 14 days of filing a petition for an adjusted standard with the Board. 35 Ill. Adm. Code 104.408(a). As required by Section 104.410, Rain Carbon timely filed a certificate of publication of notice of the amended petition on September 12, 2023. Notice of filing was published on August 26, 2023, in the *Tribune Star*.

The Board finds that the notice and amended petition meet the requirements of Section 28.1 of the Act and Section 104.408 of the Board’s procedural rules and accepts the amended petition for adjusted standard. *See* 415 ILCS 5/28.1 (2022); 35 Ill. Adm. Code 104.408.

Section 104.416(a) of the Board’s rules require that the Illinois Environmental Protection Agency (IEPA) file a response including its recommendation concerning the Board’s proposed action on this petition within 45 days after the service of the petition. *See* 35 Ill. Adm. Code 104.416(a). In this case, IEPA has timely filed a motion for stay of the proceedings, or in the alternative, a motion for extension of time to file the recommendation. Mot. at 1. Rain Carbon did not file a response to the motion. The Board’s procedural rules require that motions to stay proceedings be accompanied by sufficient information detailing why a stay is needed and a status report detailing the process of the proceeding. *See* 35 Ill. Adm. Code 101.514. In its motion, IEPA says a stay is appropriate because, “issuing a stay here will conserve resources and allow participants to focus on Rain Carbon’s rulemaking proposal first, and this proceeding second (and only if still necessary).” Mot. at 5. The rulemaking proposal referred to by IEPA is R 23-18(A), a sub-docket created to explore alternative standards during startup, shutdown, and malfunction. *Id.* at 2. The Board grants IEPA’s motion to stay the proceedings for 90 days, until December 27, 2023.

The Board's procedural rules require that at the close of a stay, the parties must file a status report in compliance with Subpart C. 35 Ill. Adm. Code 101.514. Any additional requests for stay of the proceedings must be directed at the hearing officer. *Id.*

This order makes no determination on the informational sufficiency or the merits of Rain Carbon's petition. The Board through its own orders or its hearing officer's orders may direct Rain Carbon to provide additional information.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 5, 2023, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown".

Don A. Brown, Clerk
Illinois Pollution Control Board