

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

NOTICE OF FILING

To: Don Brown, Clerk
Carol Webb, Hearing Officer
Illinois Pollution Control Board
100 West Randolph St.
Suite 11-500
Chicago, Illinois 60601

Dana Vetterhoffer, Deputy General Counsel
Gina Roccaforte, Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19267
Springfield, Illinois 62795-9276

PLEASE TAKE NOTICE that on this day, the 4th day of November, 2024, I caused to be filed with the Clerk of the Illinois Pollution Control Board the **RAIN CII CARBON LLC’S STATUS REPORT AND MOTION TO EXTEND STAY OF PROCEEDINGS**, a copy of which is herewith served upon you.

/s/ Alexander Garel-Frantzen

David M. Loring
Alexander J. Garel-Frantzen
ARENTFOX SCHIFF LLP
233 South Wacker Drive, Suite 7100
Chicago, Illinois 60606
(312) 258-5521
David.Loring@afslaw.com
Alex.Garel-Frantzen@afslaw.com

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**RAIN CII CARBON LLC’S STATUS REPORT AND
MOTION TO EXTEND STAY OF PROCEEDINGS**

NOW COMES Rain CII Carbon LLC (“Rain Carbon”), by and through its attorneys, ArentFox Schiff LLP, and pursuant to 35 Ill. Adm. Code § 101.502 and 101.514, provides this Status Report and Motion to Extend Stay of Proceedings.

1. On September 5, 2023, the Illinois Environmental Protection Agency (“IEPA”) filed a Motion for Stay of Proceedings, or in the Alternative, Motion for Extension of Time to File Recommendation while the Board considered Rain Carbon’s substantively similar rulemaking proposal in R23-18(A). On October 5, 2023, the Board granted IEPA’s motion to stay the proceedings for 90 days, until December 27, 2023. *See* Order of the Board, PCB No. AS24-06 at 1. On January 4, 2024, the Board granted IEPA’s unopposed motion to extend the stay until April 25, 2024. *See* Hearing Officer Order, PCB No. AS 24-06. Pursuant to 35 Ill. Adm. Code § 101.514, the Board directed the parties to file a status and any additional requests for stay of the proceedings at the close of stay. *Id.*

2. On April 10, 2024, IEPA filed a Status Report and Motion to Extend Stay of Proceedings (“IEPA Status Report”) and requested that the Board extend the stay of proceedings “for 150 days up to and including September 23, 2024 (or a later date if deemed more appropriate by the Board).” IEPA Status Report at 6. On April 11, 2024, Rain Carbon filed its own status report confirming IEPA’s recitation of the status of the matter in the IEPA Status Report and stating no objection to IEPA’s request to extend the stay of proceedings. Rain Carbon’s Status Report at 5.

On April 15, 2024, the Board granted IEPA's motion and extended the stay until September 23, 2024. *See* Hearing Officer Order, PCB No. AS 24-06. On September 20, 2024, Rain Carbon moved for the Board to extend the stay until November 4, 2024. *See* Status Report and Motion to Extend Stay of Proceedings, PCB No. AS 24-06. On September 23, 2024, the Board granted Rain Carbon's motion and extended the stay until November 4, 2024. *See* Hearing Officer Order, PCB No. AS 24-06.

3. On August 22, 2024, the Board issued a final order in docket number R23-018(A), which adopted Rain Carbon's proposal and directed the Clerk to submit the adopted rules for publication in the Illinois Register. Opinion and Order of the Board, PCB No. R23-18(A) (Aug. 22, 2024). The adopted rules were published in the *Illinois Register* on September 13, 2024. 48 Ill. Reg. 13539, 13711 (Sept. 13, 2024). The rules will be submitted to USEPA for approval as revisions to the Illinois SIP. *See IEPA Post-Hearing Comment*, PCB No. R23-18(A), P.C. #23, at p. 7 (May 22, 2024). Counsel for IEPA has confirmed that, as of the date of this filing, IEPA has not yet submitted the adopted amendments to USEPA for approval.

4. Request to Extend Stay

5. Rain Carbon requests that the stay in this proceeding be extended for six months to allow Rain Carbon the ability to pursue its Petition for Adjusted Standard if USEPA were to ultimately disapprove the rule amendments applicable to Rain Carbon as a revision to the Illinois SIP. Once USEPA formally takes action on the amendments adopted by the Board in R23-18(A), Rain Carbon will be able to discern whether the relief sought in this proceeding is needed. At the end of the requested six-month stay extension, Rain Carbon will provide the Board with an update on the status of the SIP approval process and request a further stay if necessary.

6. Rain Carbon discussed this request with counsel for IEPA, and IEPA has no objection to the requested six-month extension of the stay of proceedings.

7. WHEREFORE, for the reasons set forth above, Rain Carbon requests that the Board grant this unopposed Motion to Extend Stay of Proceedings for six months, up to and including May 5, 2025 (or such other date deemed more appropriate by the Board).

Respectfully submitted,

Rain CII Carbon LLC, Petitioner

By: /s/ David M. Loring
David M. Loring

Dated: November 4, 2024

David M. Loring
Alexander J. Garel-Frantzen
ArentFox Schiff LLP, Attorneys for Petitioner
233 S. Wacker Drive Suite 7100
Chicago, Illinois 60606
(312) 258-5521
David.Loring@afslaw.com
Alex.Garel-Frantzen@afslaw.com

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CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 4th day of November, 2024, I have electronically served a true and correct copy of **Rain CII Carbon LLC’s Status Report and Motion to Extend Proceedings**, by electronically filing with the Clerk of the Illinois Pollution Control Board and by e-mail upon the persons identified on the Notice of Filing.

My e-mail address is Alex.Garel-Frantzen@afslaw.com.

The number of pages in the e-mail transmission is 6.

The e-mail transmission took place before 5:00 p.m.

 /s/ Alexander J. Garel-Frantzen

Alexander J. Garel-Frantzen

Dated: November 4, 2024

David M. Loring
Alexander J. Garel-Frantzen
ArentFox Schiff LLP, Attorneys for Rain CII Carbon LLC
233 S. Wacker Drive Suite 7100
Chicago, Illinois 60606
(312) 258-5521
David.Loring@afslaw.com
Alex.Garel-Frantzen@afslaw.com