

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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In the Matter of:)
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PETITION OF EAST DUBUQUE NITROGEN) AS 2024-002
FERTILIZERS, LLC FOR ADJUSTED) (Adjusted Standard – Air)
STANDARD)
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)

NOTICE OF FILING

To: Don A. Brown, Clerk of the Board
Illinois Pollution Control Board
60 E. Van Buren St., Suite 630
Chicago, Illinois 60605

Gina Roccaforte
Dana Vetterhoffer
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794

Brad Halloran
Hearing Officer
Illinois Pollution Control Board
60 E. Van Buren St., Suite 630
Chicago, IL 60605

PLEASE TAKE NOTICE that today I have electronically filed with the Office of the Clerk of the Illinois Pollution Control Board **PETITIONER EDNF’S UNOPPOSED MOTION FOR VOLUNTARY DISMISSAL** and a **CERTIFICATE OF SERVICE**, which are attached and copies of which are herewith served upon you.

Dated: November 22, 2024

Respectfully submitted,

/s/ John M. Heyde
East Dubuque Nitrogen Fertilizers, LLC
By One of Its Attorneys

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PETITIONER EDNF’S UNOPPOSED MOTION FOR VOLUNTARY DISMISSAL

Petitioner East Dubuque Nitrogen Fertilizers, LLC (“EDNF”) respectfully moves, pursuant to 35 Ill. Adm. Code 101.500, that the Pollution Control Board (“Board”) dismiss this adjusted standard proceeding and close the docket. The Board’s recent approval of amendments to 35 Ill. Adm. Code Part 217 in Docket 23-18(A) moots the concerns that caused EDNF to file this adjusted standard proceeding. With the amendments to Part 217 complete, there is no longer a need to consider an adjusted standard specific to EDNF.

In support of its motion, EDNF states as follows:

1. In July 2023, the Board adopted amendments to 35 Ill. Adm. Code Parts 201, 202, and 212 that removed provisions related to startups, malfunctions, and breakdowns. In response, EDNF proposed further amendments to Parts 212, 216, and 217 in a sub-docket that the Board had opened for that purpose, Docket R23-18(A), to establish alternative emission standards. In addition, EDNF filed a petition for an adjusted standard. In its petition, EDNF explained that it was “filing this petition for an adjusted standard as an alternative in the event the Board concludes that it prefers an adjusted standard for EDNF’s facility . . . instead of a general rulemaking.”

2. On August 22, 2024, the Board adopted a final order in R23-18(A) that included EDNF's proposed amendments to Part 217. The rule is effective August 30, 2024 and is published in the Illinois Register. As a result, EDNF no longer requires the adjusted standard.

3. Counsel for the Illinois Environmental Protection Agency has indicated that it does not oppose the motion.

WHEREFORE, EDNF respectfully requests that the Board dismiss this matter and close the docket.

Dated: November 22, 2024

Respectfully submitted,

/s/ John M. Heyde
East Dubuque Nitrogen Fertilizers, LLC
By One of Its Attorneys

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on November 22, 2024, I have served the attached **Petitioner EDNF's Motion for Voluntary Dismissal** upon the following persons by electronic mail.

I further state that my email address is as stated in the signature block below, that the number of pages in this email transmission is five, and that the email transmission took place before 4:30 p.m. on November 22, 2024.

Don A. Brown, Clerk of the Board
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Brad Halloran
Hearing Officer
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brad.halloran@illinois.gov

Dated: November 22, 2024

/s/ John M. Heyde

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