

**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 RESPONSE TO ILLINOIS EPA’S MOTION TO EXTEND STAY OF PROCEEDING** and a **CERTIFICATE OF SERVICE**, which are attached and copies of which are herewith served upon you.

Dated: December 21, 2023

Respectfully submitted,

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

Byron F. Taylor  
John M. Heyde  
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**PETITIONER EDNF’S RESPONSE  
TO ILLINOIS EPA’S MOTION TO EXTEND STAY OF PROCEEDING**

Petitioner East Dubuque Nitrogen Fertilizers, LLC (“EDNF”) hereby responds to the Illinois Environmental Protection Agency’s (“Illinois EPA’s”) Status Report and Motion to Extend Stay or Proceeding (the “Motion”). In the Motion, Illinois EPA asked the Hearing Officer to extend the Board’s stay of this proceeding by an additional 120 days.

EDNF does not object to Illinois EPA’s request for an additional 120-day stay of this proceeding while the Board continues work on the petition of EDNF and other parties for rulemaking in Docket R23-18(A). As EDNF stated in its response to Illinois EPA’s original motion for a stay, EDNF believes that the issues associated with startup and shutdown of nitric acid processes – the subject of each of its proposals – are best addressed as a general rulemaking that would apply to it and any future nitric acid plant that may operate in Illinois. As a result, EDNF agrees with Illinois EPA that the Board’s and Illinois EPA’s efforts are best spent initially on addressing the rulemaking proposal in Docket R23-18(A).

There may come a point at which it becomes more efficient for the parties and the Board to address these issues in this proceeding. For example, Illinois EPA and EDNF may determine

that they are in agreement on the issues EDNF has raised while issues associated with other petitions in R23-18(A) require additional time to resolve. In that case, it may be appropriate to lift the stay early or not extend it further. If EDNF believes that it has become appropriate to lift the stay early, it will file a motion to do so. EDNF has no objection, however, to the stay being extended at this time as Illinois EPA has requested.

Dated: December 21, 2023

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 December 21, 2023, I have served the attached **Petitioner EDNF's Response to Illinois EPA's Motion to Extend Stay of Proceeding** 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 December 21, 2023.

Don A. Brown, Clerk of the Board  
Illinois Pollution Control Board  
60 E. Van Buren St., Ste 630  
Chicago, Illinois 60605  
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Dated: December 21, 2023

/s/John M. Heyde  
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