

ILLINOIS POLLUTION CONTROL BOARD
May 6, 2010

CHICAGO COKE COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 10-75
)	(Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondents.)	

ORDER OF THE BOARD (by G.T. Girard):

On March 29, 2010, the Board received a petition for review from Chicago Coke Company (Chicago Coke) concerning Chicago Coke's coke production facility located at 11400 South Burley Avenue, Chicago, Cook County. The filing indicates that Chicago Coke sought to sell its emission reduction credits (ERCs) to a buyer located in the same non-attainment area. The Illinois Environmental Protection Agency (Agency) denied the use of Chicago Coke's ERCs as emission offsets. Chicago Coke has filed a complaint in the Cook County Circuit Court challenging the Agency's denial of Chicago Coke's request to use Chicago Coke's ERCs as emission offsets (Pet. at 2 and Pet. Exh. E).

Chicago Coke states:

Chicago Coke believes the Circuit Court of Cook County is the appropriate venue to decide this issue. However, out of an abundance of caution due to the 35-day permit appeal deadline, Chicago Coke has filed this petition for review pursuant to Section 40 of the Illinois Environmental Protection Act. [415 ILCS 5/40 2008)]. Pet. at 2.

Chicago Coke has filed a waiver and asks that the Board stay the proceeding until the circuit court action is resolved. *Id.* The Agency has not responded to the motion to stay or the petition.

The Board grants the motion to stay, without commenting on the merits of the filing and without accepting the matter for hearing. This stay will remain in effect until 90-days before the decision deadline, which may be waived by Chicago Coke.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 6, 2010, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board