



OFFICE OF PUBLIC UTILITIES
CITY OF SPRINGFIELD, ILLINOIS

J. MICHAEL HOUSTON, MAYOR

Via Electronic Mail

January 21, 2014

Mr. John Therriault, Clerk
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Re: Case R2014-20 – Request to Reject IEPAs decision to seek emergency rules under Section 27(c) of the Illinois Environmental Protection Act.

Dear Mr. Therriault:

This comment is filed on behalf of the City of Springfield, Office of Public Utilities, d/b/a City Water, Light and Power (CWLP). CWLP is a not-for-profit municipal utility that includes the Dallman Power Station, a highly regulated electric generation facility that provides electricity to Springfield's residents and businesses and that burns Illinois coal. CWLP urges the Illinois Pollution Control Board (Board) to reject the request of the Illinois Environmental Protection Agency (Agency) for emergency regulations for operators and transporters of petroleum coke and bulk coal facilities.

CWLP has reviewed the comments of the Illinois Chamber of Commerce (Chamber) filed in this matter and concurs with the Chamber's reasons as follows:

There is no emergency

Section 27(c) of the Illinois Environmental Protection Act (Act) clearly and unequivocally states that the Illinois Pollution Control Board may only permit administrative emergency rule making when one or more of the following conditions exists:

- "...a disaster emergency exists;"
- "...when the Board finds that a severe public health emergency exists;" or
- "...when the Board finds that a situation exists which reasonably constitutes a threat to the public interest, safety or welfare."

Like the Chamber, CWLP is not aware of any company in Illinois that is currently contributing to, or creating, any public health or disaster related emergencies as defined in the Act in their handling and storage of petroleum coke, coal or related bulk materials to support the proposed rules being processed as an emergency under the Act.

One concern of CWLP is that the proposed emergency rules do not apply only to petroleum coke, even though it appears that petcoke storage and transportation is the major impetus behind the Agency's request, limited, apparently, to a recent incident or incidents in the

Chicagoland area involving petroleum coke and fugitive dust. CWLP contends that such does not qualify as a statewide emergency of the nature the proposed rules address.

CWLP believes that it is a diversion for the proposed petroleum coke rules to also be abruptly applied to coal. Coal and petroleum coke are different products with much different characteristics. Unlike the situation with petcoke, there is no documented public protest, let alone anything reaching the level of a health and welfare emergency, caused by the transfer and storage of coal – which is done under pollution-control permits covering air and water quality, as issued by the Agency with the health and safety of Illinoisians in mind.

CWLP knows of no recent scientific studies, no outbreak of environmentally hazardous events nor any statewide public health crises that would dictate the need for emergency regulations, especially those like the Agency's that include bulk coal. Usurping the regular rulemaking process should be done only in extreme cases. The threshold criteria of Section 27(c) are not met.

Haste makes waste (and bad public policy)

No matter how well intentioned, emergency rules promulgated without an actual emergency will no doubt cause widespread economic harm with the potential to negatively affect not only operators handling and storing bulk materials throughout the State, but also those like CWLP who rely on coal for providing electricity, CWLP's business.

Emergency rules do not provide the opportunity to consider the value of the regulations nor the potential unintended consequences. Here it is doubtful that the arbitrary deadlines in the proposed regulations could be met and, even if they could, it would come at great cost to the industry. Such costs would then be passed onto those like CWLP, which are then borne by the citizens and businesses of the City of Springfield (who already bear the costs of strict environmental controls and permits).

In this instance, with no opportunity to consider actual costs and benefits, such rules would surely cause economic harm, for little to no benefit to public safety, public health or the environment.

Giving in to the Agency's request, which appears to be an over-reaction to limited situations in the Chicagoland area, without due cause, opens the door to enact emergency rules in non-emergency situations for whatever reasons are convenient at that moment.


Opposition to Expansion

CWLP has read in the media that one or more groups contend that the proposed regulations do not go far enough, suggesting that electric generating units such as CWLP's Dallman facility should also be covered by such rules. As this Board is aware, CWLP's Dallman Facility, including its coal operations, are highly regulated under the Clean Air Act, Clean Water Act, State Act, its Title V Permit, along with detailed storm water management and fugitive dust emission plans, among others. Due to the exceedingly short time to comment on the Agency's proposed rules, CWLP has not seen on the Board's website that any such comments to expand the applicability have been filed. Nonetheless, CWLP is greatly concerned not only with the current proposal, but also with any expansion.

CWLP therefore asks that the Board deny the Agency's request and instead work within the rulemaking process, which provides the benefit of perspective, time, reason, research and the opportunity for public input.

Thank you for the opportunity to comment.

Sincerely,



Christine Zeman
Regulatory Affairs Director



And Eric Hobbie
Chief Utility Engineer

cc: Senator Andy Manar
Representative Sue Scherer
Representative Rich Brauer
Representative Raymond Poe