



**Wood River Refinery**  
P. O. Box 76  
900 South Central Avenue  
Roxana, Illinois 62084

January 21, 2014

ELECTRONIC FILING

The Honorable Deanna Glosser, Chairperson  
Illinois Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601

Re: R14-20 - Proposed Illinois EPA "Emergency" Rules Regulating Bulk Storage Terminals for  
Petroleum Coke and Coal

Dear Chairperson Glosser:

The Wood River Refinery is located in Roxana, Illinois. It is owned by WRB Refining LP and operated by Phillips 66 Company. The Refinery is responsible for 1200 direct jobs in the area. The Refinery produces a variety of petroleum products including gasoline, diesel, lubricating oils and petroleum coke (pet coke) from a variety of crude oils. This coke is transported to several bulk storage terminals within and outside of the State of Illinois.

We are writing to urge the Illinois Pollution Control Board (IPCB) to reject R14-20, IEPA's proposed "emergency" rules which would require immediate and unnecessarily broad regulatory controls at bulk storage terminals which handle petroleum coke and coal. We are not asking that the Board not consider any rulemaking. Rather, we are asking that the proposed rules be considered through a normal rulemaking process where all the implications of the proposed measures can be fully vetted and understood.

As a producer of pet coke, the Refinery is concerned that the emergency adoption and implementation of the rules could result in temporary or longer term storage area shortages. Like any business, if the Refinery has no place to send its product, then it must take measures to reduce the production of that product. In this case, to produce less pet coke (even temporarily), means the Refinery must process less crude, and also produce less gasoline, diesel and other refining products. As discussed below, there is simply no "emergency" that requires such draconian actions.

**NO JUSTIFICATION FOR "EMERGENCY" RULEMAKING**

Illinois rules are very specific as to when agencies may use the emergency rulemaking process. Both Section 5-45 of the IL Administrative Procedures Act (APA) and Section 27-c of the Illinois Environmental Protection Act limit the use of the process to when there is an emergency or a threat to the public interests, safety or welfare. While the Illinois EPA (IEPA) has indicated that it has "become aware of or observed" certain issues related to specific storage facilities in the Chicago area, merely listing these

WRB Refining LP Wood River Refinery  
1/21/2014 – R14-20 Comments - Page 2

items in the Motion for emergency rulemaking does not demonstrate that there is an emergency or an actual threat to public health. This is especially true since it is our understanding that the facilities in question were not complying with existing rules and that significant steps have been or are already (without the proposed requirements being in place) being taken to address fugitive emissions from those facilities.

Further, there is no indication in the Motion as to why any “emergency” exists outside of the Chicago area. While the Agency’s stated goal is “to prevent a localized problem from simply relocating to otherwise unregulated parts of the State”, this is also a fallacy. As noted in the Illinois Petroleum Council’s comments, the Chicago area facilities and other facilities in the State are already regulated. (See 35 Ill. Admin. Code § 212.301 et seq.) Further, any facility relocating within the state, would still be required to obtain an air permit.

Finally, the Refinery is concerned about the precedent this particular rulemaking endeavor could set. If IEPA can seek to implement emergency rules without truly justifying the need for that emergency rulemaking, then it can do it so again in the future. The purpose of the Illinois Administrative Procedures Act is to make rulemakings open and transparent. Emergency rules, by definition, short circuit the normal protections provided under the APA and should be sought sparingly. IEPA has not met its burden here.

In conclusion, we again urge the Board not file these rules as “emergency rules” but instead allow them to be reviewed and commented upon through a normal rulemaking process.

Respectfully submitted,



Ken L. Kerntke  
Manager, HS&E – Wood River Refinery

Cc: Senator Bill Haine  
Representative Daniel Beiser  
Representative Jay Hoffman