

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

MAY 30 2008

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
PROPOSED ADJUSTED STANDARD FROM) AS 2008-008
AMMONIA NITROGEN DISCHARGE LEVELS AT) (Adjusted Standard)
35 Ill. Adm. Code 304.122 FOR CITGO PETROLEUM)
AND PDV MIDWEST REFINING, L.L.C.)

NOTICE OF FILING

TO: John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601-3218

Jeffery C. Fort
Ariel J. Teshner
Sonnenschein Nath & Rosenthal LLP
233 S. Wacker Drive
Chicago, IL 60606-6404

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274

Bill Richardson, General Counsel
Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

Matthew J. Dunn
Division Chief, Environmental Enforcement
Illinois Attorney General
100 W. Randolph Street, 12th Floor
Chicago, Illinois 60601

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the attached **MOTION FOR EXTENSION OF TIME TO FILE RECOMMENDATION** of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

BY: 
Sanjay K. Sofat, Assistant Counsel

Dated: May 28, 2008
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

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IN THE MATTER OF:)
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MOTION FOR EXTENSION OF TIME TO FILE RECOMMENDATION

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA”) by one of its attorneys, Sanjay K. Sofat, and moves the Illinois Pollution Control Board (“Board”), pursuant to 35 Ill. Adm. Code 101.522 and 104.416, to grant it an extension of time to file its Recommendation to the CITGO Petroleum and PDV Midwest Refining (“CITGO” or Petitioner”) petition for an adjusted standard, due on June 5, 2008 until June 20, 2008, an additional (14) days. In support of its request, the Illinois EPA states as follows:

1. On March 18, 2008, CITGO and PDV filed a petition with the Board for an adjusted standard from 35 Ill. Adm. Code 304.122. Specifically, the Petitioner seeks relief from the ammonia nitrogen requirements applicable to Lemont Refinery located in Lemont, Illinois.
2. On April 2, 2008, CITGO filed a Certificate of Publication with the Board pursuant to 415 ILCS 5/28.1 (d)(2006) and 35 Ill. Adm. Code 104.408 and 104.410 certifying that notice of its adjusted standard petition was published in the GateHouse Media Suburban Newspaper, an newspaper circulated on March 21, 2008, in the village of Lemont in the County of DuPage, Cook and Will in the State of Illinois.

3. Pursuant to 35 Ill. Adm. Code 104.416, the Illinois EPA is required to respond to an adjusted standard petition within forty-five (45) days of filing with the Board.
4. On May 5, 2008, the undersigned attorney requested an additional thirty (30 days) to review both the technical and legal subject matter of CITGO's petition, as well as time to finalize the Agency's Recommendation.
5. Due to extenuating circumstances of the workload of the undersigned attorney, an additional fourteen (14) days is requested to complete the Agency's recommendation.
6. The undersigned attorney contacted counsel for CITGO on May 27, 2008.
7. The Petitioner will suffer no prejudice should the Illinois EPA be granted an extension of time to respond to its adjusted standard petition.
10. An affidavit of Sanjay Sofat, one of the attorneys for the Illinois EPA, is attached hereto and by reference incorporated herein in support of the Illinois EPA's Motion for Extension of Time to File Recommendation.

WHEREFORE, the Illinois EPA respectfully requests that the Board grant it an extension of time in which to respond to CITGO's petition for adjusted standard for an additional fourteen (14) days until June 20, 2008.

Respectfully Submitted

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

BY: 

DATED: May 28, 2008
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Sanjay Sofat
Assistant Counsel
Division of Legal Counsel

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

AFFIDAVIT

I, SANJAY K. SOFAT, being first duly sworn upon oath, depose and state as follows:

1. I am employed by the Illinois Environmental Protection Agency as an Assistant Counsel to the Bureau of Water.
2. As part of my duties, I represent the Illinois EPA in the case *In the Matter of: Proposed Adjusted Standard from Ammonia Nitrogen Discharge Levels at 35 Ill. Adm. Code 304.122 for CITGO Petroleum and PDV Midwest Refining, L.L.C.*, PCB Case No. AS 2008-008.
3. I have prepared the Agency's Motion for Extension of Time to File Recommendation, and the contents thereof are true and correct to the best of my knowledge.
4. I contacted counsel for the Petitioner, Jeff Fort, on May 27, 2008 regarding the Illinois EPA's request for an extension of time to file the Agency's Recommendation in this matter. I informed Mr. Fort that the Agency would not seek another extension of time after this request. Mr. Fort indicated that CITGO does not object to an additional fourteen (14) days time to file this Recommendation in this matter.

FURTHER AFFIANT SAYETH NOT



Affiant

SUBSCRIBED AND SWORN TO BEFORE ME

this _____ day of _____, 2008.

Notary Public

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

SS

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached **MOTION FOR EXTENSION OF TIME TO FILE RECOMMENDATION** upon the persons to whom it is directed, by placing a copy in an envelope addressed to:

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph Street
Chicago, IL 60601

Jeffery C. Fort
Ariel J. Teshler
Sonnenschein Nath & Rosenthal LLP
233 S. Wacker Drive
Chicago, IL 60606-6404

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 N. Grand Ave. East
P.O. Box 19274
Springfield, IL 62794-9274

Bill Richardson, General Counsel
Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

Matthew J. Dunn
Division Chief, Environmental Enforcement
Illinois Attorney General
100 W. Randolph Street, 12th Floor
Chicago, Illinois 60601

and mailing it from Springfield, Illinois on May 28, 2008, with sufficient postage affixed as indicated above.

Jana Wilmore

SUBSCRIBED AND SWORN TO BEFORE ME

this day of May 28, 2008.

Brenda Boehner
Notary Public

