

ILLINOIS POLLUTION CONTROL BOARD  
September 15, 2008

IN THE MATTER OF: )  
)  
PETITION OF CITGO PETROLEUM )  
CORPORATION AND PDV MIDWEST )  
REFINING, L.L.C. FROM AN ADJUSTED ) AS 08-8  
STANDARD FROM AMMONIA ) (Adjusted Standard - Water)  
NITROGEN DISCHARGE LEVELS AT 35 )  
ILL. ADM. CODE 304.122 )  
)  
)  
)

**HEARING REPORT**

On August 20, 2008, a hearing in the above-captioned matter was held in the Boardroom of the Village of Bolingbrook, 375 W. Briarcliff Road, Bolingbrook, Illinois. Attorneys Jeffrey C. Fort and Ariel J. Teshler appeared and participated on behalf of the petitioner. Attorney Jason R. Boltz appeared and participated on behalf of the Illinois Environmental Protection Agency (Agency). Attorney Zemeheret Bereket-Ab appeared on behalf of the Illinois Attorney General.

**Preliminary Matters**

At the close of the August 20, 2008, hearing, the hearing was continued on record, if needed, to September 5, 2008. The purpose of the continuance was to enable the petitioner time to review the proffered exhibits presented by the Agency at the August 20, 2008, hearing, and make its objections, if any, at the September 5, 2008, hearing. On August 28, 2008, a telephonic status conference was held. The parties represented that they are still discussing the exhibits proffered at the hearing and additional Agency exhibits. On September 4, 2008, the Agency filed a Joint Stipulation and Exhibits 1 through 11. The parties represent in the stipulation that they submit the stipulation for the purpose of admitting Agency Exhibits 1 through 11 into evidence. The stipulation is granted. The hearing that was continued on record was subsequently cancelled.

**Witness Credibility**

Based upon my legal judgment, experience and observations at the hearing, I find that the credibility of the witnesses is not an issue in this matter.

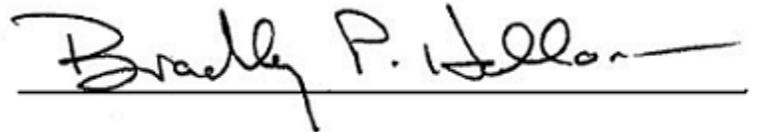
**Exhibits**

An exhibit list itemizing the offered exhibits and summarizing their status is attached to this order. The exhibit list includes the exhibits attached to the Joint Stipulation, filed September 4, 2008.

**Briefing Schedule**

A briefing schedule was previously agreed to and is as follows. The petitioner's brief is due to be filed on or before September 22, 2008. The Agency's brief is due to be filed on or before October 10, 2008. The petitioner's reply, if any, is due to be filed on or before October 24, 2008. The mailbox rule will not apply to the parties briefs and all electronic or approved telefax filings must be received by the Clerk's Office no later than 4:30 p.m. of the due date. Public comments are due to be filed on or before September 25, 2008.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a horizontal line.

Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 W. Randolph Street  
Chicago, Illinois 60601  
312.814.8917

AS 08-8  
August 20, 2008 Hearing

**Exhibit List**

Exhibit	Description	Status
Petitioner's Exhibit 1	Pre-filed Testimony- Additional Information Requested by IPCB-dated August 1, 2008	Admitted
Petitioner's Exhibit 2	Environmental Assessment & Effluent Limit Derivation Report for the Ammonia Discharge from the Citgo Lemont Refinery-dated February 2008	Admitted
Petitioner's Exhibit 3 (3 Parts)	Environmental Assessment of Wastewater Ammonia Discharge from the Uno-Ven Refinery-dated December 1992	Admitted
Petitioner's Exhibit 4	Resume-James E. Huff, P.E.	Admitted
Petitioner's Exhibit 5	Annual Average Influent Ammonia Concentrations-Figures 1,2 and 3	Admitted
Petitioner's Exhibit 6	Description of Aware Environmental Inc.	Admitted
Petitioner's Exhibit 7	Resume-Robert M. Stein, P.E.	Admitted
Petitioner's Exhibit 8	Resume-George P. Tyrian, P.E.	Admitted
Petitioner's Exhibit 9	Technical Review of Ammonia Treatment at the Wastewater Treatment Plant-Citgo petroleum Lemont Refinery-dated-February 2008	Admitted
Petitioner's Exhibit 10	Corrcted Testimony of Robert M. Stein	Admitted
Petitioner's Exhibit 11	Letter dated December 21, 2004 from IEPA to Mr. Harmon	Admitted
Petitioner's Exhibit 12	Opinions from IPCB (3)-dated December 17, 1998; May 21, 1998; September 17, 1998	Admitted
Petitioner's Exhibit 13	Pre-filed Testimony of Brigitte Postel	Admitted
Petitioner's Exhibit 14	Pre-filed Testimony of James E. Huff	Admitted
Petitioner's Exhibit 15	Pre-filed Testimony of Robert M. Stein	Admitted
Hearing Officer Exhibit 1	Joint Stipulation filed by parties on September 4, 2008, includes Agency's Exhibits, 1 through 11	Joint Stipulation granted. Exhibits Admitted
Agency's Exhibit 1	Printout-DNR data-Exxon Mobil	Admitted
Agency's Exhibit 2	Printout-DNR data-Marathon	Admitted
Agency's Exhibit 3	Printout-DNR data- Citgo	Admitted
Agency's Exhibit 4	Printout-Concentrations of Outfall 001-	Admitted

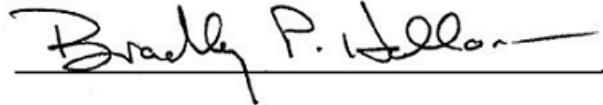
	Citgo	
Agency's Exhibit 5	Printout-Concentrations from Outfall 001-Exxon Mobil	Admitted
Agency's Exhibit 6	Printout-Concentrations from Outfall 001-Marathon	Admitted
Agency's Exhibit 7	1 page summary and explanations of Printouts	Admitted
Agency's Exhibit 8	Printouts Regarding Outfall- Exxon Mobil	Admitted
Agency's Exhibit 9	Printouts Regarding Outfall-Conoco Phillips	Admitted
Agency's Exhibit 10	Printouts Regarding Outfall-Citgo	Admitted
Agency's Exhibit 11	Printouts Regarding Outfall- Marathon	Admitted

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class on September 15, 2008, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on September 15, 2008:

John T. Therriault  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St., Ste. 11-500  
Chicago, Illinois 60601

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a horizontal line.

Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312.814-8917

AS 2008-008  
IEPA  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

AS 2008-008  
Sanjay K. Sofat  
IEPA  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

AS 2008-008  
Connie L. Tonsor  
IEPA  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

AS 2008-008  
Jeffrey C. Fort  
Sonnenschein Nath & Rosenthal  
7800 Sears Tower  
233 South Wacker Drive  
Chicago, IL 60606-6404

AS 2008-008  
Ariel J. Teshler  
Sonnenschein Nath & Rosenthal  
7800 Sears Tower  
233 South Wacker Drive  
Chicago, IL 60606-6404

AS 2008-008  
Office of the Attorney General  
Environmental Bureau  
69 W. Washington, 18th Floor  
Chicago, IL 60602

AS 2008-008  
Illinois Department of Natural Resources  
100 W. Randolph  
Suite 4-300  
Chicago, IL 60601