

ILLINOIS POLLUTION CONTROL BOARD  
June 6, 2013

UNITED STATES STEEL	)	
CORPORATION, a Delaware corporation	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 13-62
	)	(CAAPP Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J.A. Burke):

On May 6, 2013, United States Steel Corporation (U.S. Steel) timely filed a petition asking the Board to review an April 1, 2013 determination of the Illinois Environmental Protection Agency (Agency). The Agency's determination concerns U.S. Steel's integrated iron and steel mill located at 20th and State Streets, Granite City, Madison County. Also on May 6, 2013, U.S. Steel filed a motion for stay of effectiveness of the contested permit conditions (Mot.). On May 16, 2013, the Board accepted the petition for hearing but reserved ruling on U.S. Steel's motion for stay. For the reasons below, the Board today grants U.S. Steel's motion.

**MOTION FOR STAY OF CONTESTED CONDITIONS**

U.S. Steel requests a stay of effectiveness of the contested conditions within the construction permit (subject to integrated processing). Mot. at 1. The Agency issued the permit to U.S. Steel on April 1, 2013, to authorize the construction of a new baghouse and to authorize revisions to U.S. Steel's Clean Air Act Permit Program (CAAPP) permit via administrative amendment. *Id.* at 1-2. The contested conditions are:

- 1) Condition 7.5.6(b) – Annual Nitrogen Oxides (NO<sub>x</sub>) and Volatile Organic Material (VOM) Emission Limits for the Basic Oxygen Furnace (BOF) Shop;
- 2) Condition 7.5.6(c)-(g) – Emission Factors for BOF Shop Activities, NO<sub>x</sub> and VOM Annual Maximum Emissions for the BOF Electrostatic Precipitator Stack, and failure to include a note regarding a compliance schedule;
- 3) Condition 7.5.13 – Compliance Schedule and Current Enforcement Status: Failure to include a compliance schedule for NO<sub>x</sub> and VOM emissions from the BOF Shop. *Id.* at 2.

Pursuant to Section 39.5(13)(c)(5) of the Illinois Environmental Protection Act (Act), the construction permit is incorporated into U.S. Steel's CAAPP permit (App. No. 96030056) that the Agency issued on March 4, 2013. On May 2, 2013, the Board stayed the effectiveness of certain provisions in U.S. Steel's CAAPP permit which are identical to the contested conditions listed above. United States Steel Corporation v. IEPA, PCB 13-53 (May 2, 2013). U.S. Steel cites Section 40.2(f) of the Act, which states in part that, "[i]f requested by the applicant, the Board shall stay the effectiveness of all the contested conditions of a CAAPP permit." Mot. at 3, citing 415 ILCS 40.2(f) (2010). U.S. Steel argues that the stay is necessary "to prevent irreparable harm to U.S. Steel and to protect U.S. Steel's clearly ascertainable right to appeal permit conditions." *Id.* at 6.

### **DISCUSSION**

On May 16, 2013, the Board reserved ruling on U.S. Steel's motion for stay to allow the Agency's 14-day response time to run. *See* 35 Ill. Adm. Code 101.500(d). To date, the Agency has not filed a response. The Agency is therefore deemed to have waived any objection to granting the motion. 35 Ill. Adm. Code 101.500(d).

The Construction Permit is a CAAPP permit issued under Section 39.5 of the Act. *See* 415 ILCS 39.5 (2010). Section 40.2(f) of the Act makes clear that contested conditions of a CAAPP permit shall be stayed at the request of the applicant. 415 ILCS 5/40.2(f) (2010); *see also* CenterPoint Energy – Mississippi River Transmission, LLC v. IEPA, PCB 12-14, slip op. at 3 (Nov. 17, 2011). "If the Board stays any, but not all, conditions, then the applicant shall continue to operate in accordance with any related terms and conditions of any other applicable permits until final Board action in the review process." 415 ILCS 5/40.2(f) (2010).

The Board grants U.S. Steel's motion for stay of the contested conditions set forth above. This partial stay shall remain in effect until the Board takes final action in this matter or if the Board orders otherwise.

IT IS SO ORDERED.

Chairman Holbrook Abstained.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 6, 2013 by a vote of 4-0.




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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board