

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

UNITED STATES STEEL)	
CORPORATION, a Delaware corporation,)	
)	
Petitioner,)	
)	
v.)	PCB No. 13-62
)	(Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Mr. John Therriault	Carol Webb, Esq.
Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	1021 North Grand Avenue East
Suite 11-500	Post Office Box 19274
Chicago, Illinois 60601	Springfield, Illinois 62794-9274
(VIA ELECTRONIC MAIL)	(VIA FIRST CLASS MAIL)

(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the **PETITIONER'S RESPONSES TO THE ILLINOIS POLLUTION CONTROL BOARD'S REQUESTS FOR ADDITIONAL INFORMATION**, a copy of which is hereby served upon you.

Respectfully submitted,

HEPLERBROOM, LLC,

Dated: February 4, 2016

By: /s/ Katherine D. Hodge _____
 One of Its Attorneys

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CERTIFICATE OF SERVICE

I, Katherine D. Hodge, the undersigned, certify that I have served the attached
PETITIONER'S RESPONSES TO THE ILLINOIS POLLUTION CONTROL BOARD'S
REQUESTS FOR ADDITIONAL INFORMATION upon:

Mr. John Therriault
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic mail on February 4, 2016; and upon:

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

Rebecca A. Burlingham, Esq.
Assistant Attorney General
Environmental Bureau
69 W. Washington Street
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Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois,
on February 4, 2016.

/s/ Katherine D. Hodge
Katherine D. Hodge

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PETITIONER’S RESPONSES TO THE ILLINOIS POLLUTION CONTROL BOARD’S REQUESTS FOR ADDITIONAL INFORMATION

NOW COMES Petitioner, UNITED STATES STEEL CORPORATION (“U.S. Steel”), and provides the following responses to the Illinois Pollution Control Board’s (“Board”) requests for additional information included in the Board’s January 21, 2016, Order entered in this matter, as follows.

U.S. Steel is committed to addressing the Board’s requests for additional information regarding the status of this proceeding. U.S. Steel also acknowledges the Board’s role in adjudicatory matters and the importance of maintaining an orderly docket. U.S. Steel notes for the Board that it is contesting several specific conditions relating to “emission factors” in a construction permit issued by the Illinois Environmental Protection Agency (“Illinois EPA”) to U.S. Steel for the construction of a new baghouse at U.S. Steel’s Granite City Works (“Construction Permit”).

As detailed in its Petition for Review, U.S. Steel is contesting the emission factors and annual NOx and VOM emission limits for BOF Shop Activities in Condition 7.5.6(b) – (g) in Part 2 of the Construction Permit, consistent with its CAAPP Permit Appeal (PCB 2013-53). In particular, U.S. Steel is contesting the Illinois EPA’s explicit statements in Condition 5.13 of the

CAAPP Permit, as applicable to Condition 7.5.6(b) – (g) in Part 2 of the Construction Permit, regarding Illinois EPA’s interpretation that these “emission factors” are “emission limits.” These statements are new and were not included in any prior permits until the previously issued CAAPP Permit, which is at issue in PCB 13-53. The “emission factors” themselves were incorporated into the Construction Permit from the Construction Permit/Prevention of Significant Deterioration (“PSD”) Approval No. 95010001 (“PSD Permit”) issued to National Steel, the prior owner and operator of the Granite City Works, by Illinois EPA on January 25, 1996 (and subsequently revised and reissued on several occasions).

The issue of whether the “emission factors,” as incorporated into the Construction Permit, are enforceable “emission limits,” must be resolved in a permitting transaction for the underlying PSD Permit. The parties are unable to resolve this appeal relating to the Construction Permit until resolution is reached as to the PSD Permit. Thus, the parties have been progressively working toward negotiating a resolution of this issue in the context of the PSD Permit. U.S. Steel believes, based on several meetings, that a resolution can be reached.

However, due to the technical and complex nature of the issues involved in the PSD Permit, as well as Illinois EPA’s personnel constraints, a resolution of the issues has not progressed as expeditiously as desired. Importantly, as noted below, although the parties’ progress toward resolution of the PSD Permit is occurring in a permitting transaction that is separate and distinct from this proceeding, the outcome of that separate permitting transaction will directly impact the resolution of the Construction Permit.

U.S. Steel requested the extension of the stay in this proceeding pending the negotiated resolution of the PSD Permit. The requested stay in this proceeding is the most efficient manner to resolve the overlapping issues involved between the multiple permits, as it will allow the

parties to continue progressing toward a resolution while also helping to conserve Illinois EPA and Board resources.

U.S. Steel remains committed to efficiently resolving both the PSD Permit and the Construction Permit with Illinois EPA. To that end, U.S. Steel provides the following responses to the Board's requests for additional information.

1. A description of what progress the parties have made toward resolving this appeal over the prior year.

Answer: During calendar year 2015, the parties met on January 7, February 25, April 14, May 12, June 21, October 21, and December 14, all of which involved discussions relating to the PSD Permit. Although the parties are handling the PSD Permit in a separate permitting transaction that is not before the Board, for the reasons discussed above, this progress on the PSD Permit is also progress toward resolving the Construction Permit in this proceeding.

2. A timeline of steps on behalf of the Agency and U.S. Steel to resolve this appeal.

Answer: Please see response to #1 above for a timeline of actions taken during calendar year 2015. Due to Illinois EPA's personnel constraints and U.S. Steel's temporary idling of the Granite City facility, the source to which the permits pertain, and associated reduction in work force, U.S. Steel is unable to commit to a timeframe for a final resolution of the PSD Permit and, in turn, resolution of the Construction Permit at issue in this appeal. U.S. Steel commits to continuing to meet with Illinois EPA as necessary to continue progressing toward resolution of these permits. The next meeting is scheduled for March 3, 2016.

3. The status of constructing the baghouse.

Answer: U.S. Steel has completed construction of the baghouse.

4. Discussion of how these items impact docket PCB 13-53.

Answer: U.S. Steel is contesting the Illinois EPA's explicit statements in Condition 5.13 of the CAAPP Permit, as applicable to the same conditions as those contested in this proceeding, regarding Illinois EPA's interpretation that these "emission factors" are "emission limits." Just as the issues in the underlying PSD Permit directly impact the Construction Permit at issue in this proceeding, those PSD Permit issues directly impact the conditions of the CAAPP Permit at issue in PCB 13-53. Also, similarly to the instant appeal, the underlying PSD Permit must be resolved prior to addressing the CAAPP Permit at issue in PCB 13-53.

As discussed above, the parties are actively progressing toward a resolution of the PSD Permit. After the parties have resolved the PSD Permit, the parties can then proceed with resolving the CAAPP Permit contested conditions at issue in both this proceeding and in PCB 13-53.

Respectfully submitted,

UNITED STATES STEEL CORPORATION,
Petitioner,

Dated: February 4, 2016

By: /s/ Katherine D. Hodge
Katherine D. Hodge

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