

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 ELECTRONIC 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 **MOTION TO EXTEND STAY IN THIS PROCEEDING AND STATUS REPORT**, a copy of which is hereby served upon

Respectfully submitted,

HEPLERBROOM, LLC,

Dated: August 18, 2016

By: /s/ Katherine D. Hodge

One of Its Attorneys

Katherine D. Hodge
HEPLERBROOM, LLC
3150 Roland Avenue
Springfield, Illinois 62703
Katherine.Hodge@heplerbroom.com
(217) 523-4900

CERTIFICATE OF SERVICE

I, Katherine D. Hodge, the undersigned, certify that I have served the attached MOTION
TO EXTEND STAY IN THIS PROCEEDING AND STATUS REPORT upon:

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

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

via electronic mail on August 18, 2016; and upon:

Rebecca A. Burlingham, Esq.
Assistant Attorney General
Environmental Bureau
69 W. Washington Street
18th Floor
Chicago, Illinois 60602

Sally A. Carter, Esq.
Division of Legal Counsel
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 August 18, 2016.

/s/ Katherine D. Hodge

Katherine D. Hodge

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MOTION TO EXTEND STAY IN THIS PROCEEDING AND STATUS REPORT

NOW COMES Petitioner, UNITED STATES STEEL CORPORATION (“Petitioner” or “U.S. Steel”), by and through its attorneys, HODGE DWYER & DRIVER, pursuant to 35 Ill. Admin. Code § 101.514 and requests that the Illinois Pollution Control Board (“Board”) grant this Motion to Extend Stay in this Proceeding, and states as follows:

1. On May 6, 2013, Petitioner filed a Petition for Review (“Petition”) of the Construction Permit with Integrated Processing (“Construction Permit”) issued to Petitioner by the Illinois Environmental Protection Agency (“Illinois EPA”) on April 1, 2013, for an emission control system for Petitioner’s basic oxygen process (“BOP”) furnaces at Petitioner’s integrated steel mill plant located in Granite City, Illinois. Petition for Review, *United States Steel Corporation v. Illinois EPA*, PCB 13-62 (Ill.Pol.Control.Bd. May 6, 2013) (hereafter cited as “Petition for Review”). On that same date, Petitioner filed a Motion for Stay of Effectiveness of Contested Conditions. Motion to Stay, PCB No. 13-62 (Ill.Pol.Control.Bd. May 6, 2013). On May 16, 2013, the Board accepted Petitioner’s Petition for hearing. Board Order, PCB No. 13-62 (Ill.Pol.Control.Bd. May 16, 2013). On June 6, 2013, the Board granted U.S. Steel’s Motion for Stay of Effectiveness of Contested Conditions. Board Order, PCB No. 13-62 (Ill.Pol.Control.Bd. June 6, 2013).

2. On February 10, 2015, Petitioner filed a Motion to Stay the Proceeding. Motion to Stay Proceeding, PCB No. 13-62 (Ill.Pol.Control.Bd. Feb. 10, 2015).

3. On July 23, 2015, the Board granted U.S. Steel's Motion to Stay the Proceeding, indicating that "[A]ny motion to stay this appeal beyond that date must be directed to the Board and accompanied by a status report by January 1, 2016." Board Order, PCB No. 13-62 (Ill.Pol.Control.Bd. July 23, 2015).

4. On December 30, 2015, Petitioner filed a Motion to Stay the Proceeding. Motion to Stay Proceeding, PCB No. 13-62 (Ill.Pol.Control.Bd. Dec. 30, 2015).

5. On March 3, 2016, the Board granted U.S. Steel's Motion to Stay the Proceeding until August 18, 2016. "A Motion to stay this appeal beyond that date must be accompanied by a detailed status report of the progress in this appeal." The Board also directed U.S. Steel to file a detailed status report by March 17, 2016, detailing progress made at the March 3, 2016 meeting with the Agency. Board Order, PCB No. 13-62 (Ill.Pol.Control.Bd. Mar. 3, 2016).

6. On March 17, 2016, Petitioner filed a Status Report regarding meeting with Respondent on March 3, 2016. Status Report, PCB No. 13-62 (Ill.Pol.Control.Bd. Mar. 17, 2016).

7. Section 101.514 of the Board's rules requires that requests to stay a proceeding include information detailing why a stay is needed, be accompanied by a waiver of the decision deadline, and include a status report. 35 Ill. Admin. Code § 101.514(a).

8. A stay is needed here as 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 in a separate permitting transaction that is not before the Board. U.S. Steel believes, based on a number of meetings between the parties, that a resolution can be reached.

9. As to status, the most recent meeting between the parties occurred on July 7, 2016, to discuss the PSD permit application. During this meeting, the parties continued discussions related to the additional work performed by U.S. Steel in reviewing the permitting record for the PSD Permit in order to determine the supporting bases for the “emission factors” at issue. U.S. Steel is continuing to research and evaluate other supporting bases for the “emission factors” at issue. The parties also discussed the proposed schedule for testing additional specific emission units, which is dependent upon the duration and scope of the temporary idling of Granite City Works.

10. The parties are progressing toward a resolution of the PSD Permit. After the parties have resolved the PSD Permit, the parties can then proceed with resolving the contested permit conditions at issue in this proceeding. Another meeting will be scheduled in October, 2016.

11. At the same time as the filing of this Motion to Stay the Proceeding, U.S. Steel is filing a Notice of Limited Waiver of 120-Day Decision Deadline to accommodate a stay, extending the decision deadline to December 31, 2017.¹

¹ U.S. Steel commits to extend the deadline going forward as may be necessary until the PSD Permit is revised and reissued by Illinois EPA. In addition, U.S. Steel commits to updating the Board when the PSD Permit is revised and reissued and is fully effective.

12. Further, granting a stay here would not result in any harm to the parties or the public, as the construction and operation of the new emission control system for U.S. Steel's BOP furnaces has proceeded under the uncontested provisions of the Construction Permit.

13. Thus, U.S. Steel has satisfied the requirements of 35 Ill. Admin. Code § 101.514(a), as it has included information detailing why an extension of the stay in the proceeding is needed, has filed a waiver of the decision deadline, and has included a report of status.

14. Finally, Counsel for Respondent has no objection to the granting of this Motion.

WHEREFORE, U.S. Steel respectfully requests that the Board extend the stay in this proceeding until the PSD Permit has been revised and reissued by Illinois EPA and is fully effective.

Respectfully submitted,

UNITED STATES STEEL CORPORATION,
Petitioner,

Dated: August 18, 2016

By: /s/ Katherine D. Hodge
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