

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

BP PRODUCTS NORTH AMERICA, INC., )  
)  
Petitioner, )  
)  
v. ) PCB 2024-026  
) Permit Appeal  
) 1191155009—Madison County  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, ) 1LD980503106  
) Log No. B-145R2  
)  
Respondent. )  
)  
)

**NOTICE OF FILING**

TO: Division of Legal Counsel Clerk  
Illinois Environmental Protection Agency Illinois Pollution Control Board  
1021 North Grand Avenue East 100 West Randolph Street, Suite 11-500  
P.O. Box 19276 Chicago, Illinois 60601-3218  
Springfield IL 62794-9276  
epa.dlc@illinois.gov  
michelle.ryan@illinois.gov

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the BP Products North America, Inc.'s Concurrence With Request for 90-Day Extension of Appeal Period of BP Products North America, Inc., a copy of which is herewith served upon you.

Dated: October 26, 2023

Respectfully submitted,

**BP PRODUCTS NORTH AMERICA, INC.**

By: /s/ Alexander J. Bandza

BARNES & THORNBURG LLP  
One N. Wacker Drive, Suite 4400  
Chicago, IL 60606-2833  
(312) 357-1313  
[abandza@btlaw.com](mailto:abandza@btlaw.com)

*Attorney for BP Products North America, Inc.*

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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Petitioner,	)	
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	)	PCB 2024-026
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**BP PRODUCTS NORTH AMERICA, INC.’S  
CONCURRENCE WITH REQUEST FOR 90-DAY EXTENSION OF APPEAL PERIOD**

NOW COMES the Petitioner, BP Products North America, Inc. (“BPPNA”), by its attorneys, Barnes & Thornburg LLP, and, pursuant to the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. Code §§ 105.208 & 705.212, hereby concurs in the Illinois Environmental Protection Agency’s (“Illinois EPA”) request that the Illinois Pollution Control Board (“Board”) grant an extension of the thirty-five (35) day period for petitioning for a hearing to February 1, 2024. Illinois EPA filed this extension request in the above-captioned docket on or about October 24, 2023. This February 1, 2024 extension date reflect a ninety-day extension from the calculated date of Illinois EPA’s issuance of a Resource Conservation and Recovery Act (“RCRA”) permit to BPPNA (“Permit”) as it relates to the remedial activities at the Wood River, Illinois, Riverfront Property (“Property”).

In support thereof, BPPNA respectfully states as follows:

1. Illinois EPA issued the Permit for the Property on September 29, 2023.
2. Pursuant to 35 Ill. Adm. Code § 705.212(a), a petition for an appeal of the Permit must be filed “within 35 days after a RCRA . . . final permit decision notification has been issued.”
3. 35 days after September 29, 2023, is November 3, 2023, which is a Friday.

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4. Illinois EPA filed this extension request in the above-captioned docket on or about October 24, 2023.

5. By filing its request in the above-captioned docket, Illinois EPA has consented to a 90-day extension of the appeal period, which would permit BPPNA to file a petition with respect to the Permit on or before February 1, 2024, which is a Thursday.

6. The additional time requested by the parties may eliminate the need for a hearing in this matter or, in the alternative, allow the parties to identify issues and limit the scope of any hearing that may be necessary to resolve this matter.

7. Furthermore, BPPNA understands that a final permit such as the Permit is effective 35 days after the permit is issued unless “**[r]eview is requested under Section 705.212, in which case the effective date and conditions will be stayed**” as provided in Sections 705.202 through 705.205.” 35 Ill. Admin. Code § 705.201(d) (emphasis added). Board review of this category of permits “is pursuant to 35 Ill. Adm. Code 105.” *Id.* § 705.101(c). In turn, under 35 Ill. Admin. Code § 105.208, “the 35-day period . . . for petitioning for a hearing may be extended by the applicant for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Agency within the initial appeal period.” *Id.* § 105.208(a). Accordingly, because review was requested here under Section 705.212, BPPNA respectfully requests the concurrence that the Permit is additionally stayed during the pendency of the 90-day extended appellate review filing period requested herein.

WHEREFORE, for the reasons stated above, the parties request that the Board, in the interest of administrative and judicial economy: (1) grant this request for a ninety-day extension of the thirty-five day period to petition the Board; and (2) concur that the Permit is stayed during the pendency of the 90-day extended appellate review filing period requested herein.

Dated: October 26, 2023

Respectfully submitted,

**BP PRODUCTS NORTH AMERICA, INC.**

By: /s/ Alexander J. Bandza

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Alexander J. Bandza, Esq.  
BARNES & THORNBURG LLP  
One N. Wacker Drive, Suite 4400  
Chicago, IL 60606-2833  
(312) 357-1313  
[abandza@btlaw.com](mailto:abandza@btlaw.com)

*Attorney for BP Products North America, Inc.*

**CERTIFICATE OF E-MAIL SERVICE**

I, the undersigned, certify the following:

- That I have served the attached BP Products North America, Inc.'s Concurrence With Request for 90-Day Extension of Appeal Period of BP Products North America, Inc. by e-mail upon the Illinois Environmental Protection Agency at the e-mail address of [epa.dlc@illinois.gov](mailto:epa.dlc@illinois.gov) and [michelle.ryan@illinois.gov](mailto:michelle.ryan@illinois.gov).
- That my e-mail address is [abandza@btlaw.com](mailto:abandza@btlaw.com).
- That the number of pages in the e-mail transmission is 3.
- That the e-mail transmission took place before 5:00 p.m. on the date of October 26, 2023.

/s/ Alexander J. Bandza

*An Attorney for BP Products North America, Inc.*