## ILLINOIS POLLUTION CONTROL BOARD August 17, 2006

CITGO PETROLEUM CORPORATION,	)	
Petitioner,	)	
v.	)	PCB 07-10 (NPDES Permit Appeal - Water)
ILLINOIS ENVIRONMENTAL	)	(141 BBs 1 etime 1 ippeur Water)
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

## ORDER OF THE BOARD (by G.T. Girard):

On August 14, 2006, Citgo Petroleum Corporation (Citgo) timely filed a petition asking the Board to review a July 28, 2006 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2004); 35 Ill. Adm. Code 101.300(b), 105.206(a). The Agency determination being appealed is a reissuance of a National Pollutant Discharge Elimination System (NPDES) permit to Citgo, with conditions. The permit is for Citgo's petroleum refinery located at 135th Street and New Avenue in Lemont, Will County. According to the petition, the refinery discharges, among other things, wastewater to the Chicago Sanitary & Ship Canal.

Citgo appeals on the grounds that certain specified conditions in the reissued NPDES permit are unnecessary or contain requirements that either are not applicable or are inconsistent with other requirements already applicable to the refinery. Petition at 2-7. The Board accepts the petition for hearing. Citgo has the burden of proof. *See* 415 ILCS 5/40(a)(1) (2004); *see also* 35 Ill. Adm. Code 105.112(a). Hearings "will be based exclusively on the record before the Agency at the time the permit or decision was issued." 35 Ill. Adm. Code 105.214(a). Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40(a)(2) (2004)), which only Citgo may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Citgo "shall be entitled to an Appellate Court order pursuant to subsection (d) of Section 41 [415 ILCS 5/41(d) (20029)]." 415 ILCS 5/40(a)(3) (2004). Currently, the decision deadline is December 12, 2006 (the 120th day after August 14, 2006). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for November 16, 2006.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by September 13, 2006, which is 30 days after the Board received Citgo's petition. *See* 35 Ill. Adm. Code 105.212(a). If the Agency wishes to seek additional time to file the record, it must file a request for extension before the date on which the record is due to be filed. *See* 35 Ill. Adm. Code 105.116. The record must comply with the content requirements of 35 Ill. Adm. Code 105.212(b).

## IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 17, 2006, by a vote of 4-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board