

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

THE PREMCOR REFINING)	
GROUP INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 2007-030
)	(CAAPP Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Ms. Dorothy M. Gunn	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)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board a **MOTION FOR EXTENSION OF TIME** and **NOTICE OF OPEN WAIVER OF 120-DAY DECISION DEADLINE**, a copy of which is herewith served upon you.

Respectfully submitted,

THE PREMCOR REFINING GROUP INC.,
Petitioner,

Dated: December 12, 2006

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

Katherine D. Hodge
Monica T. Rios
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

CERTIFICATE OF SERVICE

I, Katherine D. Hodge, the undersigned, certify that I have served the attached
MOTION FOR EXTENSION OF TIME and NOTICE OF OPEN WAIVER OF
120-DAY DECISION DEADLINE upon:

Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic mail on December 12, 2006; and upon:

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

Robb H. Layman, Esq.
Assistant Counsel
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 in Springfield, Illinois, postage
prepaid, on December 12, 2006.

/s/ Katherine D. Hodge
Katherine D. Hodge

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MOTION FOR EXTENSION OF TIME

NOW COMES Petitioner, THE PREMCOR REFINING GROUP INC.

(hereinafter "Premcor"), by and through its attorneys, HODGE DWYER ZEMAN, and for its Motion for Extension of Time, states as follows:

1. On September 19, 2006, the Illinois Environmental Protection Agency ("Respondent") granted a final Clean Air Act Permit Program ("CAAPP") permit to Premcor's Hartford Terminal, a petroleum bulk storage and loading terminal, located in Hartford, Illinois.
2. On October 24, 2006, Premcor filed its Petition for Review ("Petition") of the CAAPP permit based on the fact that the Respondent failed to incorporate comments submitted by Premcor into the final CAAPP permit and, as such, the CAAPP permit does not reflect the current applicable requirements or the current operations of the Hartford Terminal.
3. On November 27, 2006, the Respondent filed a Motion to Dismiss the Petition ("Motion") arguing that the Petition failed "to provide adequate specificity to apprise either the Board or the Illinois EPA of the subject matter of the appeal." Motion

to Dismiss, The Premcor Refining Group Inc.v. Illinois EPA, PCB No. 07-03 at ¶5 (Ill.Pol.Control.Bd. Nov. 27, 2006) (requesting the Board dismiss Premcor's petition or, in the alternative, require the filing of an amended petition).

4. Counsel for Premcor has consulted with the Respondent regarding the Respondent's concerns as described in the Motion. Based on these discussions, it is Premcor's understanding that filing an Amended Petition reiterating in detail the comments listed in Premcor's exhibits to the original Petition will resolve the Respondent's concerns. Premcor currently is drafting a Motion for Leave to file such an Amended Petition.

5. Counsel for Respondent has been consulted and has no objection to the filing of this Motion.

6. For the reasons stated above, Premcor respectfully moves the Illinois Pollution Control Board ("Board") to grant Premcor an additional 14 days from the December 12, 2006 deadline, or until December 26, 2006, to file a Motion for Leave to File Amended Petition in response to Respondent's Motion to Dismiss.

WHEREFORE, Petitioner, THE PREMCOR REFINING GROUP INC.,
respectfully moves the ILLINOIS POLLUTION CONTROL BOARD to grant it an
extension of time as set forth above, and to award it all other relief just and proper in the
premises.

Respectfully submitted,

THE PREMCOR REFINING GROUP
INC.,
Petitioner,

By: /s/ Katherine D. Hodge
One of its Attorneys

Dated: December 12, 2006

Katherine D. Hodge
Monica T. Rios
HODGE DWYER ZEMAN
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PREM-013\Fil\Motion for Extension of Time

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

THE PREMCOR REFINING)	
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)	(CAAPP Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF OPEN WAIVER OF 120-DAY DECISION DEADLINE

NOW COMES Petitioner, THE PREMCOR REFINING GROUP INC.

("Petitioner"), by and through its attorneys, HODGE DWYER ZEMAN, pursuant to 35 Ill. Admin. Code § 101.308(c)(1), and hereby agrees to an open waiver of the statutory 120-day decision deadline for final action by the Illinois Pollution Control Board ("Board") in this proceeding. In support of this Notice, the Petitioner states as follows:

1. On September 19, 2006, the Illinois Environmental Protection Agency ("Respondent") granted a final Clean Air Act Permit Program ("CAAPP") permit to Premcor's Hartford Terminal, a petroleum bulk storage and loading terminal, located in Hartford, Illinois.

2. On October 24, 2006, Premcor filed its Petition for Review ("Petition") of the CAAPP permit based on the fact that the Respondent failed to incorporate comments submitted by Premcor into the final CAAPP permit and, as such, the CAAPP permit does not reflect the current applicable requirements or the current operations of the Hartford Terminal. Premcor requested a hearing on the Illinois Environmental Protection

Agency's ("Illinois EPA") decision in this matter and also filed a Motion to Stay Effectiveness of the CAAPP Permit.

3. On November 16, 2006, the matter was accepted for hearing, but the Board reserved ruling on the Motion to Stay until the Illinois EPA had a chance to respond.

4. On November 17, 2006, the Petitioner filed a Waiver for an additional 90 days. The decision deadline in this matter is now May 3, 2007.

5. On November 27, 2006, the Respondent filed a Motion to Dismiss the Petition ("Motion") arguing that the Petition failed "to provide adequate specificity to apprise either the Board or the Illinois EPA of the subject matter of the appeal." Motion to Dismiss, The Premcor Refining Group Inc. v. Illinois EPA, PCB No. 07-30 at ¶5 (Ill.Pol.Control.Bd. Nov. 27, 2006).

6. Counsel for Premcor has consulted with the Respondent regarding the Respondent's concerns as described in the Motion. Based on these discussions, it is Premcor's understanding that filing an Amended Petition reiterating in detail the comments listed in Premcor's exhibits to the Petition will resolve the Respondent's concerns. Premcor currently is drafting a Motion for Leave to file such an Amended Petition.

7. In addition, counsel for Premcor and the Respondent are engaged in ongoing settlement discussions regarding the issues raised in the Petition.

8. Petitioner hereby voluntarily agrees to an open waiver of the statutory 120-day decision deadline in order to allow for the Board's consideration of Premcor's

Motion for Leave to Amend, and, if such leave is granted, to allow the State to consider the Amended Petition, as well as continue settlement discussions between the parties.

9. Counsel for Petitioner has notified counsel for Respondent regarding the filing of this open waiver, and counsel for Respondent has no objection to such filing.

WHEREFORE, Petitioner, THE PREMCOR REFINING GROUP INC., moves the Illinois Pollution Control Board to accept this open waiver of the statutory 120-day decision for final action on Petitioner's Petition for Review.

Respectfully submitted,

THE PREMCOR REFINING
GROUP INC.,
Petitioner,

By: /s/ Katherine D. Hodge
One of its Attorneys

Dated: December 12, 2006

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PREM:013/Filings/Notice of Open Waiver