

ILLINOIS POLLUTION CONTROL BOARD
January 10, 2008

CITGO PETROLEUM CORPORATION and)
PDV MIDWEST REFINING, L.L.C.,)
)
Petitioners,)
)
v.) PCB 08-33
) (Variance – Water)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by T.E. Johnson):


On November 14, 2007, CITGO Petroleum Corporation (CITGO) and PDV Midwest Refining, L.L.C. (PDVMR) (petitioners) filed a petition to extend the variance issued by the Board in CITGO Petroleum Corporation and PDV Midwest Refining, L.L.C. v. IEPA, PCB 05-85 (Apr. 21, 2005). The variance and the petition for extension concern an oil refinery in Lemont, Will County, which CITGO operates and PDVMR owns. In a December 20, 2007 order, the Board identified several informational deficiencies in the petition and directed petitioners to file an amended petition to provide the additional information.

On December 26, 2007, respondent, the Illinois Environmental Protection Agency (Agency), filed a motion for extension of time to publish notice (Mot.). The Agency explains that the attorney to whom the variance petition was addressed has since left the Agency and the Agency was unable to comply with the requirement to publish newspaper notice of the petition within 14 days after the petition's filing. Mot. at 1-2. The Agency seeks a 30-day extension of the time to publish the notice and states that granting the extension will not prejudice petitioners. *Id.* at 2.

Section 37(a) of the Environmental Protection Act (415 ILCS 5/37(a) (2006)) provides that the Agency "shall publish a single notice of such [variance] petition in a newspaper of general circulation in such county" where the facility is located. Section 104.214(a) of the Board's procedural rules requires the Agency to publish the notice "[w]ithin 14 days after the petition is filed." 35 Ill. Adm. Code 104.214(a). Petitioners have not filed any response to the Agency's motion for extension of time to publish, which the Board grants. *See* 35 Ill. Adm. Code 101.500(d). The Board construes the Agency's motion as requesting that the 30-day extension run from the date of this order. The Agency therefore must publish notice of the variance by February 11, 2008, which is the first business day following the 30th day after the date of this order. *See* 35 Ill. Adm. Code 101.300(a). The Agency also must file a certification of publication within 21 days after publication of the notice. *See* 35 Ill. Adm. Code 104.214(f).

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 10, 2008, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John Therriault, Assistant Clerk
Illinois Pollution Control Board