

ILLINOIS POLLUTION CONTROL BOARD
May 21, 2008

MAY 21 2008

STATE OF ILLINOIS
Pollution Control Board

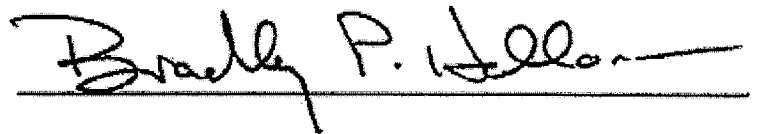
IN THE MATTER OF:)	
)	
PETITION OF CITGO PETROLEUM)	AS 08-8
CORPORATION AND PDV MIDWEST)	(Adjusted Standard – Water)
REFINING, L.L.C. FOR AN ADJUSTED)	
STANDARD FROM AMMONIA)	
NITROGEN DISCHARGE LEVELS AT 35)	
ILL. ADM. CODE 304.122)	

HEARING OFFICER ORDER

In an order dated May 15, 2008, the Board accepted for hearing petitioners' petition for an adjusted standard. In the order, the Board stated that Board or the hearing officer "may direct petitioners to provide additional information concerning its request prior to or at the hearing". To that end, the hearing officer directs petitioner to address the issues set forth in Attachment A to this order. Petitioners' responses must be filed in the form of pre-filed testimony and are due to be filed 14 days prior to the hearing. Scheduling the hearing and the filing of the responses will be addressed at the telephonic status conference noted below.

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on June 12, 2008, at 11:00 a.m. The telephonic status conference must be initiated by the petitioner, but each party is nonetheless responsible for its own appearance. At the conference, the parties must be prepared to discuss the status of the above-captioned matter and their readiness for hearing.

IT IS SO ORDERED.



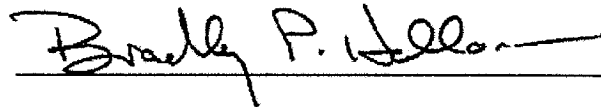
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 West Randolph
Chicago, Illinois 60601
312.814.8917

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class on May 21, 2008, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on May 21, 2008:

John T. Therriault
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a horizontal line.

Bradley P. Halloran
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**ATTACHMENT A
TO HEARING OFFICER ORDER OF May 21, 2008**

AS08-8: PETITION OF CITGO PETROLEUM CORPORATION AND PDV MIDWEST
REFINING, L.L.C. FOR AN ADJUSTED STANDARD FROM AMMONIA NITROGEN
DISCHARGE LEVELS AT 35 ILL. ADM. CODE 304.122

1. Petitioners' Activity (35 Ill. Adm. Code 104.406(d))

a. The petition states that, “[a]t 3 mg/L, the allowable discharge of ammonia from the Refinery is 145 pounds at the design average flow.” Pet. at 6. What is the Design Average Flow of the Refinery’s discharge at issue?

b. The 2008 Huff & Huff Report indicates that the mixing zone length is 26,340 feet, or approximately five miles, downstream. Pet., Exh. A at 9. Is the far edge of the mixing zone located in the Chicago Sanitary & Ship Canal?

c. In its discussion of the mixing zone, the petition projects an incremental change in total ammonia concentration of 0.17 mg/L at the edge of the mixing zone for a monthly average effluent concentration of 6.9 mg/L. Pet. at 10. What is the projected incremental change for the maximum daily concentration of 10.61 mg/L whenever the daily discharge exceeds 200 pounds per day? Also, please describe the incremental changes in terms of un-ionized ammonia.

d. The 2008 AWARE Report states that “[t]he annual average ammonia discharge to the Canal over the last 5 years has averaged 102.4 pounds per day. . . .” Pet., Exh. B at 30. Please elaborate on the data used to calculate the average of 102.4 pounds per day for the last 5 years.

e. The petition states that the maximum daily production at the Refinery is about 168,000 barrels of crude oil processed per day. Pet. at 5. The 2008 AWARE report mentions that “[t]he demand for refined material has resulted in production near design capacities...” Pet., Exh. B at 30.) Does CITGO anticipate an increase in production during the requested 5-year adjusted standard period?

2. Proposed Adjusted Standard (35 Ill. Adm. Code 104.406(f))

a. Section (c) of the proposed adjusted standard language differs slightly from the current site specific rule, which refers to a monthly average limitation of 9.4 mg/L and a daily maximum limitation of 26.0 mg/L. 35 Ill. Adm. Code 304.213(b). The proposed adjusted standard language refers only to monthly average limitations for ammonia nitrogen. Did the petitioners intend to propose that 6.93 mg/L be the monthly average limitation and 10.61mg/L be the daily maximum limitation? Also, please explain the rationale for proposing effluent limits based upon ammonia loading rates on a monthly and daily basis.

b. The petition states that the limits of 6.93 mg/L and 10.61 mg/L in the proposed adjusted standard are based on a statistical analysis using the 95th percentile of the standard

deviation over historical and representative time periods to calculate the effluent limits. Pet. at 3. In the 2008 Huff & Huff study, the table "CITGO REFINERY: Effluent Ammonia Discharge Concentrations" appears to indicate the "Dly Max Amm Conc." for at least one day in each of nine of 10 years is above the requested daily maximum limit of 10.61 mg/L. Pet., Exh. A, Appendix B. Also, the "Mo. Max Amm Conc." for at least 1 month in each of five of 10 years is above the requested monthly average limit of 6.93 mg/L. Please clarify that the limits of 6.93 mg/L and 10.61 mg/L in the proposed adjusted standard are attainable as expected by petitioners. Also, please elaborate on reliance upon the 95th percentile and whether exceedences above the limits based on the 95th percentile are expected.

3. Environmental Impact (35 Ill. Adm. Code 104.406(g))

Petitioners note that the 2008 Huff & Huff study (Pet., Exh. A) concludes that total ammonia levels in the Chicago Sanitary and Ship Canal at the edge of the mixing zone would be 0.805 mg/L under the proposed adjusted standard. Pet. at 9. The same study notes that there is no total ammonia water quality standard for secondary contact waters. Pet., Exh. A at 1. The same study also notes water quality data from the Lockport Forebay, which show that the maximum un-ionized ammonia concentration from 2000 to 2002 was 0.070 mg/L. Pet., Exh. A at 33. Although the study predicts total ammonia levels at the edge of the mixing zone, it appears to make no prediction regarding levels of un-ionized ammonia at the edge of the mixing zone. The petition also does not indicate if the un-ionized ammonia levels are expected to meet the water quality standard of 0.1 mg/L at the edge of the mixing zone. Please demonstrate that the unionized ammonia water quality standard of 0.1 mg/L will be met at the edge of the mixing zone. *See* 35 Ill. Adm. Code 302.407 (Chemical Constituents).