

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) R08-19
NITROGEN OXIDES EMISSIONS FROM) (Rulemaking – Air)
VARIOUS SOURCE CATEGORIES:)
AMENDMENTS TO 35 ILL. ADM. CODE)
PARTS 211 AND 217)

NOTICE OF FILING

TO: Mr. John T. Therriault	Timothy Fox, Esq.
Assistant Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 W. Randolph Street	100 W. Randolph Street
Suite 11-500	Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
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(VIA ELECTRONIC FILING)	(VIA ELECTRONIC MAIL)

(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the **MOTION FOR LEAVE TO FILE A RESPONSE TO THE FIRST NOTICE PUBLIC COMMENT OF THE ILLINOIS EPA SUBMITTED BY ARCELORMITTAL USA, INC.** a copy of which is herewith served upon you.

Respectfully submitted,

By: Christina L Archer
Christina L. Archer

Dated: July 7, 2009

Christina L. Archer
Associate General Counsel
ARCELORMITTAL USA, INC.
1 South Dearborn, 19th Floor
Chicago, Illinois 60603
(312) 899-3865

CERTIFICATE OF SERVICE

I, Christina L. Archer, the undersigned, hereby certify that I have served the attached
**MOTION FOR LEAVE TO FILE A RESPONSE TO THE FIRST NOTICE PUBLIC
COMMENT OF THE ILLINOIS EPA SUBMITTED BY ARCELORMITTAL USA, INC.**

upon:

Mr. John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
therriaj@ipcb.state.il.us

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by electronic mail on July 7, 2009.



Christina L. Archer

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**MOTION FOR LEAVE TO FILE A RESPONSE TO THE
FIRST NOTICE PUBLIC COMMENT BY THE ILLINOIS
EPA SUBMITTED BY ARCELORMITTAL USA, INC.**

Pursuant to 35 Ill. Adm. Code 101.500 and 101.502, as applicable, ArcelorMittal USA, Inc. on behalf of ArcelorMittal Riverdale Inc. hereby requests that the Hearing Officer and/or Board allow ArcelorMittal to file the attached Response to the First Notice Public Comment by the Illinois EPA. On July 1, 2009, ArcelorMittal filed its First Notice Public Comment in this matter and on July 6, 2009, the Illinois EPA filed its First Notice Public Comment in this matter. 5 ILCS 100/5-40(b) of the Illinois Administrative Procedure Act allows for a public comment period of at least forty-five (45) days. The (45) day deadline for filing First Notice Public Comments was July 6, 2009. In its First Notice Public Comment, the Illinois EPA raised a few issues regarding cost effectiveness and the appropriate NOx emission limit for other sources that ArcelorMittal feels must be rebutted. Therefore, while the Board has already granted the Illinois EPA's motion for expedited review of this rulemaking, the APA specifically allows for a first notice public comment period of greater than 45 days. Since this Motion is filed on the 46th day after publication in the Illinois Register and since the Board is not scheduled to meet until later this month, ArcelorMittal is requesting the Hearing Officer and/or Board allow ArcelorMittal to file the Response to prevent material prejudice to ArcelorMittal.

No undue hardship on any party will occur by granting this Motion.

Respectfully submitted,
ARCELORMITTAL USA, INC.

By: Christina L Archer

Christina L. Archer

Dated: July 7, 2009

Christina L. Archer
Associate General Counsel
ARCELORMITTAL USA, INC.
1 South Dearborn, 19th Floor
Chicago, Illinois 60603
(312) 899-3865