

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

UNITED STATES STEEL)	
CORPORATION, a Delaware corporation,)	
)	
Petitioner,)	
)	
v.)	PCB 10-23
)	(CAAPP Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	
)	
AMERICAN BOTTOM CONSERVANCY,)	
)	
Intervenor.)	

NOTICE OF FILING

TO: Mr. John Therriault	Carol Webb, Esq.
Assistant 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)

(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 a copy of United States Steel Corporation's **MOTION FOR LEAVE TO FILE AMENDED MOTION TO STAY THE PROCEEDING**, and **AMENDED MOTION TO STAY THE PROCEEDING**, a copy of which is hereby served upon you.

Respectfully submitted,
UNITED STATES STEEL CORPORATION,
Petitioner,

Dated: November 4, 2011

By: /s/ Monica T. Rios
Monica T. Rios

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

CERTIFICATE OF SERVICE

I, Monica T. Rios, the undersigned, certify that I have served the attached
MOTION FOR LEAVE TO FILE AMENDED MOTION TO STAY THE
PROCEEDING and AMENDED MOTION TO STAY THE PROCEEDING, upon:

Mr. John Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic mail on November 4, 2011; and upon:

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

Maxine I. Lipeles, Esq.
Washington University School of Law
One Brookings Drive
Campus Box 1120
St. Louis, Missouri 63130-4899

Thomas E. Davis, Esq.
Chief of Environmental Bureau
Office of the Illinois Attorney General
500 South Second Street
Springfield, Illinois 62706

Julie K. Armitage, Esq.
Sally A. Carter, Esq.
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, postage prepaid, in Springfield,
Illinois, on November 4, 2011.

By: /s/ Monica T. Rios
Monica T. Rios

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**MOTION FOR LEAVE TO FILE
AMENDED MOTION TO STAY THE PROCEEDING**

NOW COMES Petitioner, UNITED STATES STEEL CORPORATION ("Petitioner" or "U.S. Steel"), by and through its attorneys, HODGE DWYER & DRIVER, pursuant to 35 Ill. Admin. Code § 101.500 and requests that the Illinois Pollution Control Board ("Board") allow the filing of Petitioner's Amended Motion to Stay the Proceeding ("Amended Motion"). In support of this Motion, U.S. Steel states as follows:

1. On October 21, 2011, Respondent and Intervenor filed a Joint Motion to Dismiss the Appeal ("Joint Motion"). The Joint Motion makes statements regarding U.S. Steel's Motion to Stay the Proceeding, which was filed with the Board on September 2, 2011.
2. Since Respondent and Intervenor misconstrue U.S. Steel's Motion to Stay, U.S. Steel requests that the Amended Motion be filed, as it clarifies U.S. Steel's request for a stay of this proceeding.

3. At this time, the Board has not yet ruled on U.S. Steel's Motion to Stay or the Joint Motion, and thus, granting this Motion for Leave to File will not unduly delay this matter.

4. Therefore, U.S. Steel respectfully requests leave to file the attached Amended Motion in order to address and clarify statements made by Respondent and Intervenor in their Joint Motion.

WHEREFORE, UNITED STATES STEEL CORPORATION, requests leave to file the Amended Motion to Stay the Proceeding.

Respectfully submitted,

UNITED STATES STEEL CORPORATION,
Petitioner,

Dated: November 4, 2011

By: /s/ Monica T. Rios
Monica T. Rios

Katherine D. Hodge
Monica T. Rios
HODGE DWYER & DRIVER
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USSC:003/Fil/Motion for Leave to File – Amended Motion

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Intervenor.)	

AMENDED MOTION TO STAY THE PROCEEDING

NOW COMES Petitioner, UNITED STATES STEEL CORPORATION ("Petitioner" or "U.S. Steel"), by and through its attorneys, HODGE DWYER & DRIVER, pursuant to 35 Ill. Admin. Code § 101.500 and for its Amended Motion to Stay the Proceeding ("Amended Motion") provides as follows:

1. On September 2, 2011, U.S. Steel filed a Motion to Stay the Proceeding ("Motion"), requesting that this proceeding be stayed until the United States Environmental Protection Agency ("USEPA") takes final action on the Petition to Object filed by Intervenor. On September 20, 2011, Intervenor and Respondent filed a Joint [sic] Opposition to Motion to Stay Proceeding, and on October 4, 2011, U.S. Steel filed a Reply to Joint Opposition to Motion to Stay Proceeding ("Reply").
2. U.S. Steel hereby incorporates the Motion and Reply into this Amended Motion.

3. On October 21, 2011, Intervenor and Respondent filed a Joint Motion to Dismiss the Appeal ("Joint Motion"). Today, U.S. Steel filed a Response to the Joint Motion to Dismiss the Appeal requesting that the Illinois Pollution Control Board ("Board") deny the Joint Motion.

4. Based on statements made in the Joint Motion, this Amended Motion is warranted in order to clarify U.S. Steel's request to the Board, since Intervenor has mischaracterized U.S. Steel's request.

5. In Paragraph 15 of the Joint Motion, Intervenor and Respondent state:

Having passed up its right to appeal the Revised CAAPP Permit, U.S. Steel cannot now complain about its need for the Board to issue an advisory opinion on unidentified issues still remaining from the Original CAAPP Permit which is no longer in effect.

Joint Motion at ¶ 15. Intervenor has wholly misconstrued U.S. Steel's Motion. U.S. Steel neither complains about nor requests that the Board "issue an advisory opinion." U.S. Steel simply requests that the Board stay the proceeding and does not request that the Board take any other action in this matter.

6. U.S. Steel has communicated this clarification to Respondent, and although U.S. Steel's Motion was clear in its request for a stay, this Amended Motion is intended to clarify that U.S. Steel is requesting nothing more than a stay of this proceeding until such time USEPA takes final action on the Petition to Object. If USEPA's final action on the Petition to Object has no impact on the appeal, U.S. Steel will voluntarily dismiss this proceeding.

7. U.S. Steel requests that the Board stay this proceeding, consistent with U.S. Steel's request as articulated in its Motion, Reply, and this Amended Motion.

Respectfully submitted,

UNITED STATES STEEL CORPORATION,
Petitioner,

Dated: November 4, 2011

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USSC:003/Fil/Reply-Motion To Stay