

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 **STATUS REPORT**, a copy of which is hereby served upon you.

Respectfully submitted,

UNITED STATES STEEL CORPORATION,
Petitioner,

Dated: August 2, 2012

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

STATUS REPORT, 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 August 2, 2012; 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
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Thomas E. Davis, Esq.
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Office of the Illinois Attorney General
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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 August 2, 2012.

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

UNITED STATES STEEL)	
CORPORATION, a Delaware corporation,)	
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Petitioner,)	
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v.)	PCB No. 10-23
)	(CAAPP Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
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AMERICAN BOTTOM CONSERVANCY,)	
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STATUS REPORT

NOW COMES Petitioner, UNITED STATES STEEL CORPORATION ("Petitioner"), by and through its attorneys, HODGE DWYER & DRIVER, and provides this status report to the Hearing Officer and the Illinois Pollution Control Board ("Board") regarding recent activities in this matter. Petitioner provides as follows:

1. On February 2, 2012, the Board issued an Order of the Board ("Order") granting Petitioner's motion for a stay of the appeal of the original Clean Air Act Permit Program ("CAAPP") permit issued on May 2, 2011. The stay will last through February 4, 2013, unless the Board terminates the stay sooner. The Board ordered Petitioner to file this status report on August 2, 2012, detailing the status of the United States Environmental Protection Agency's ("USEPA") proceeding concerning American Bottom Conservancy's ("ABC's") petition to object to the CAAPP permit issued by the Illinois Environmental Protection Agency ("Illinois EPA") to Petitioner.

2. On December 5, 2011, ABC mailed a Notice of Intent to bring a civil action against Lisa P. Jackson, the Administrator of the USEPA (“Administrator”), for failing to act on ABC’s request to deny the CAAPP permit. Complaint, *American Bottom Conservancy v. Jackson*, No. 3:12-cv-00296-GPM-SCS para. 7 (S.D. Ill. Apr. 6, 2012). Thereafter, the Administrator did not act to approve or deny the CAAPP permit issued by Illinois EPA to Petitioner on May 2, 2011.

3. On April 6, 2012, ABC filed a Complaint in the United States District Court for the Southern District of Illinois, naming the Administrator as the sole Defendant. The Complaint alleged that the Administrator was in violation of the Clean Air Act because she failed to act on the petition filed by ABC requesting that the Administrator object to the CAAPP permit issued by Illinois EPA to Petitioner on May 2, 2011.

4. On June 5, 2012, the Administrator filed an unopposed Motion to Stay. On June 7, 2012, the Court granted the Motion to Stay. The Court ordered the parties to submit a status report to the Court by September 10, 2012.

5. On July 23, 2012, a proposed Consent Decree was filed by the Administrator. The proposed Consent Decree requires the USEPA to respond to ABC’s petition to the Administrator to object to the CAAPP permit by December 3, 2012. It also awards attorneys’ fees, costs, and expenses to the Petitioner. Notice of the proposed Consent Decree was published in the Federal Register on July 30, 2012. 77 Fed. Reg. 44673 (July 30, 2012).

6. Because Petitioner has not been notified by USEPA or ABC regarding the actions described in paragraphs two through five and because Petitioner was denied Intervenor Status on a previous suit of the same nature, the Petitioner has not been a participant in any settlement discussions between ABC and USEPA regarding the CAAPP permit. The information provided herein is gleaned from publically available documents filed in *American Bottom Conservancy v. Jackson*, No. 3:12-cv-00296-GPM-SCW (S.D. Ill. 2012).

7. Finally, since USEPA's decision on the petition is still pending and a decision will not likely be issued until December 3, 2012, the current stay of this Board proceeding is still necessary and appropriate, and the stay should be maintained until at least February 4, 2013, as directed in the Board's Order.

Respectfully submitted,

UNITED STATES STEEL CORPORATION,
Petitioner,

Dated: August 2, 2012

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

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