

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

UNITED STATES STEEL	)	
CORPORATION, a Delaware corporation,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB No. 13-62
	)	(Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

TO: Mr. John Therriault	Carol Webb, Esq.
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
<b>(VIA ELECTRONIC MAIL)</b>	<b>(VIA FIRST CLASS MAIL)</b>

**(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 TO STAY THE PROCEEDING**, a copy of which is hereby served upon you.

Respectfully submitted,

UNITED STATES STEEL CORPORATION,  
Petitioner,

Dated: February 10, 2015

By: /s/ Katherine D. Hodge  
One of Its Attorneys

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

**CERTIFICATE OF SERVICE**

I, Katherine D. Hodge, the undersigned, certify that I have served the attached

MOTION TO STAY THE PROCEEDING upon:

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

via electronic mail on February 10, 2015; and upon:

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

Amanda Kimmel, Esq.  
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Office of the Illinois Attorney General  
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Rebecca A. Burlingham, Esq.  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington Street  
18<sup>th</sup> Floor  
Chicago, Illinois 60602

by depositing said documents in the United States Mail, postage prepaid, in Springfield,

Illinois, on February 10, 2015.

/s/ Katherine D. Hodge  
Katherine D. Hodge

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	)	
Respondent.	)	

**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 § 101.514 and requests that the Illinois Pollution Control Board (“Board”) grant this Motion to Stay the Proceeding. Petitioner provides as follows:

1. On May 6, 2013, Petitioner filed a Petition for Review (“Petition”) of the Construction Permit with Integrated Processing (“Construction Permit”) issued to Petitioner by the Illinois Environmental Protection Agency (“Illinois EPA”) on April 1, 2013, for an emission control system for Petitioner’s basic oxygen process (“BOP”) furnaces at Petitioner’s integrated steel mill plant located in Granite City, Illinois. Petition for Review, *United States Steel Corporation v. Illinois EPA*, PCB 13-62 (Ill.Pol.Control.Bd. May 6, 2013) (hereafter cited as “Petition for Review”). On that same date, Petitioner filed a Motion for Stay of Effectiveness of Contested Conditions. Motion to Stay, PCB No. 13-62 (Ill.Pol.Control.Bd. May 6, 2013). On May 16, 2013, the Board accepted Petitioner’s Petition for hearing. Board Order, PCB No. 13-62 (Ill.Pol.Control.Bd. May 16, 2013).

2. On June 6, 2013, the Board granted U.S. Steel's Motion for Stay. Board Order, PCB No. 13-62 (Ill.Pol.Control.Bd. June 6, 2013).

3. Section 101.514 of the Board's rules requires that requests to stay a proceeding include information detailing why a stay is needed, be accompanied by a waiver of the decision deadline, and include a status report. 35 Ill. Admin. Code § 101.514(a).

4. In its Petition for Review, U.S. Steel explained why emission factors in Part 2 of the Construction Permit are not emission limits. Petition for Review at p. 6. The emission factors at issue originated in the Construction Permit/Prevention of Significant Deterioration ("PSD") Approval No. 95010001 ("PSD Permit") issued to National Steel, the prior owner and operator of the Facility, by Illinois EPA on January 25, 1996 (and subsequently revised and reissued on several occasions).

5. At issue in this matter is whether the emission factors from the PSD Permit, as incorporated into the Construction Permit, are "emission limits." Petition for Review at pp. 2-3, 6-12. U.S. Steel is engaged in discussions with Illinois EPA regarding the revision and reissuance of the PSD Permit, in a separate permitting transaction, in order to clarify the uncertainty regarding the meaning of the terms in the PSD Permit. Accordingly, it is necessary to allow time for the revision and reissuance of the PSD Permit in order to reach resolution in this matter.

6. Prior to the filing of this Motion to Stay the Proceeding, U.S. Steel filed a Notice of Limited Waiver of 120-Day Decision Deadline to accommodate a stay, extending the decision

deadline to April 30, 2016.<sup>1</sup> Notice of Limited Waiver of 120-Day Decision Deadline, PCB No. 13-62 (Ill.Pol.Control.Bd. Jan. 14, 2015).

7. Further, granting a stay here would not result in any harm to the parties or the public, as the construction and operation of the new emission control system for U.S. Steel's BOP furnaces is proceeding under the uncontested provisions of the Construction Permit.

8. Thus, U.S. Steel has satisfied the requirements of 35 Ill. Admin. Code § 101.514(a), as it has included information detailing why a stay is needed, has filed a waiver of the decision deadline, and has included a report of status.

9. Moreover, the Board has granted stays of proceedings in prior cases so there is precedent for doing so here. In PCB No. 10-23, U.S. Steel appealed a previous version of its CAAPP permit, which was subsequently revised, and the revised CAAPP permit was subject of a petition to object filed by American Bottom Conservancy ("ABC") with the United States Environmental Protection Agency ("USEPA"). *United States Steel Corporation v. Illinois EPA, ABC*, PCB 10-23 (Ill.Pol.Control.Bd. Feb. 2, 2012). The Board found that a stay was supported by the uncertainty over the impact of the USEPA proceeding and U.S. Steel's representation that it is currently operating under the terms and conditions of the revised CAAPP permit. *Id.* at 12.

10. Also, the Board has granted stays while alternative methods of resolution are pursued by petitioners appealing a permit. In PCB No. 95-100, the Board granted a stay in the appeal of a denial of an application for a permit to develop and operate a solid waste management site in order to allow the Petitioner to seek a legislative resolution. *C&S Recycling, Inc. v. Illinois EPA*, PCB 95-100 at 1 (Ill.Pol.Control.Bd. Apr. 4, 1996). In that case, the Board

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<sup>1</sup> U.S. Steel commits to extend the deadline going forward as may be necessary until the PSD Permit is revised and reissued by Illinois EPA. In addition, U.S. Steel commits to updating the Board when the PSD Permit is revised and reissued and is fully effective.

allowed the Petitioner “to continue to pursue legislation related to this matter before the Board rules on the pending motion for summary judgment.” *Id.* In PCB 91-28, 92-2 (cons.), the Board determined that a stay was appropriate in a permit appeal matter where the Petitioner filed a petition for an adjusted standard with the Board. *Acme Steel Co. v. Illinois EPA*, PCB 91-28, PCB 92-2 (cons.) at 1 (Ill.Pol.Control.Bd. Mar. 31, 1994).

11. Finally, Counsel for Respondent has no objection to the granting of this Motion.

WHEREFORE, U.S. Steel respectfully requests that the Board stay this proceeding until the PSD Permit has been revised and reissued by Illinois EPA and is fully effective.

Respectfully submitted,

UNITED STATES STEEL CORPORATION,  
Petitioner,

Dated: February 10, 2015

By: /s/ Katherine D. Hodge  
Katherine D. Hodge

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