

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

IN THE MATTER OF:)	
)	
CITGO PETROLEUM CORPORATION and)	
PDV MIDWEST REFINING, L.L.C.,)	
)	PCB 12-94
Petitioners,)	(Variance - Water)
)	
v.)	
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	
_____)	

CITGO PETROLEUM CORPORATION and)	
PDV MIDWEST REFINING, L.L.C.,)	
)	PCB 14-4
Petitioners,)	(Variance - Water)
)	(Not Consolidated)
v.)	
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

To:

John Therriault, Clerk of the Board Illinois Pollution Control Board 100 West Randolph, Suite 11-500 Chicago, IL 60601	
Sara Terranova; Stephanie Diers, Office of Chief Legal Counsel Illinois Environmental Protection Agency 1021 N. Grand Avenue East P.O. Box 19274 Springfield, IL 62794-9274	Bradley P. Halloran Hearing Officer Illinois Pollution Control Board 100 West Randolph, Suite 11-500 Chicago, IL 60601

Please take notice that on August 17, 2016, we filed electronically with the Office of the Clerk of the Illinois Pollution Control Board the attached **Joint Motion to Vacate PCB 12-94 and Dismiss PCB 14-4**, a copy of which is served upon you.

CITGO PETROLEUM CORPORATION and
PDV MIDWEST REFINING, L.L.C.

By: /s/ Jeffrey C. Fort
One of Its Attorneys

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ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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By: /s/Sara G. Terranova
Sara G. Terranova
Assistant Counsel
Division of Legal Counsel

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JOINT MOTION TO VACATE PCB 12-94 AND DISMISS PCB 14-4

NOW COMES CITGO PETROLEUM CORPORATION AND PDV MIDWEST REFINING, LLC (Petitioners) and the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (Illinois EPA or Agency), by and through their counsel, and hereby move that the Illinois Pollution Control Board (Board) 1) vacate the variance entered on October 18, 2012 in PCB 12-94, and 2) dismiss the petition for variance in PCB 14-4. This Joint Motion is submitted without prejudice to Petitioners seeking such further relief as may be appropriate in the future and is based upon the reissuance of an National Pollutant Discharge Elimination System

(NPDES) permit to Petitioners for its refining operations in Lemont, Illinois. In support thereof, the following statements are made:

1. On December 20, 2011, Petitioners sought continued relief from water quality standards for total dissolved solids (TDS) at 35 Ill. Adm. Code 302.208(g) and 302.407.

2. On October 18, 2012, the Board granted the requested relief until October 18, 2017, subject to several conditions. These conditions include, among other things, monitoring requirements, completion of a TDS water quality management plan by December 18, 2016, to identify and minimize contributions of TDS to the Chicago Sanitary and Ship Canal utilizing Best Management Practices.

3. On November 15, 2012, the Illinois EPA submitted the granted variance to USEPA for review and approval pursuant to 40 C.F.R. Part 131.

4. On March 15, 2013, USEPA formally disapproved the granted variance.

5. On June 26, 2013, the Illinois EPA moved to vacate the variance order.

6. On July 10, 2014, CITGO moved to add a specific TDS condition as follows:

12. During the Term of this Variance, the discharge from Outfall 001 of the Lemont Refinery outside the mixing zone shall not cause an exceedance of a TDS standard of 1686 mg/L and a sulfate standard of 1371 mg/L.

7. With the issuance of a revised NPDES permit, which contains BMP requirements which differ and would supersede the BMP conditions in the variance, neither party believes there is a need for the relief granted in PCB 12-94 nor a need to proceed with the variance proceedings in PCB 14-04.

8. By vacating the October 18, 2012 Order in PCB 12-94, Petitioners will no longer be granted relief from the TDS water quality standards of 35 Ill. Adm. Code 302. 407 and no longer be subject to the condition requirements ordered by the Board.

9. Petitioners' will maintain authorization to discharge at the refining operations in Lemont, Illinois as laid out in the June 10, 2016, NPDES permit.

WHEREFORE, the Parties request the Board 1) vacate the Variance in PCB 12-94, and 2) dismiss the Petition for Variance in PCB 14-4.

Respectfully submitted,

CITGO PETROLEUM CORPORATION and
PDV MIDWEST REFINING, L.L.C.

By: /s/ Jeffrey C. Fort
One of Its Attorneys

Dated: August 17, 2016

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PROTECTION AGENCY

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By: /s/Sara G. Terranova
Sara G. Terranova
Assistant Counsel
Division of Legal Counsel

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that I have served upon the individuals named on the attached Notice of Filing true and correct copies of the enclosed **Joint Motion to Vacate PCB 12-94 and Dismiss PCB 14-4** via first class mail, postage pre-paid, on August 17, 2016.

/s/ Jeffrey C. Fort