

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

THE PREMCOR REFINING)	
GROUP, INC.,)	
)	
Petitioner,)	
)	PCB 07-30
v.)	PCB 10-55
)	(CAAPP Permit Appeal)
ILLINOIS ENVIRONMENTAL)	(Consolidated)
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Mr. Don Brown	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
(VIA ELECTRONIC MAIL)	(VIA ELECTRONIC MAIL)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an **JOINT MOTION TO LIFT STAY OF UNCONTESTED CAAPP PERMIT CONDITIONS AND REQUEST FOR REMAND TO RESPONDENT TO REVISE CAAPP PERMIT'S TERM OF DURATION**, a copy of which is herewith served upon you.

Respectfully submitted,

THE PREMCOR REFINING GROUP, INC.,
Petitioner,

Dated: March 7, 2019

By: /s/ Melissa S. Brown
One of Its Attorneys

Katherine D. Hodge
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CERTIFICATE OF SERVICE

I, Melissa S. Brown, the undersigned, on oath state the following:

That I have served the attached **JOINT MOTION TO LIFT STAY OF UNCONTESTED CAAPP PERMIT CONDITIONS AND REQUEST FOR REMAND TO RESPONDENT TO REVISE CAAPP PERMIT'S TERM OF DURATION** via electronic mail upon:

Don Brown
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
Don.Brown@illinois.gov

Carol Webb
Hearing Officer
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That my email address is Melissa.Brown@heplerbroom.com

That the number of pages in the email transmission is 5.

That the email transmission took place before 5:00 p.m. on the date of March 7, 2019.

/s/ Melissa S. Brown

Melissa S. Brown

Date: March 7, 2019

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**JOINT MOTION TO LIFT STAY OF UNCONTESTED
CAAPP PERMIT CONDITIONS AND REQUEST FOR REMAND
TO RESPONDENT TO REVISE CAAPP PERMIT'S TERM OF DURATION**

NOW COMES Petitioner, THE PREMCOR REFINING GROUP INC. (“Premcor”), by and through its attorneys, HeplerBroom, LLC, and Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), *ex rel.* Kwame Raoul, Attorney General of the State of Illinois, and move the Illinois Pollution Control Board (“Board”) to lift the stay of the uncontested conditions of the Clean Air Act Permit Program (“CAAPP”) permit that is the subject of this appeal (“CAAPP Permit”). Further, the parties request that the Board, while maintaining the stay of the contested conditions and its jurisdiction over them, remand the CAAPP Permit to Illinois EPA to allow Illinois EPA to revise the permit’s term of duration and incorporate permit modifications pursuant to the parties’ settlement negotiations. In support of their motion, the parties state as follows:

1. The parties have been negotiating an agreement concerning the contested conditions of the CAAPP Permit issued by the Illinois EPA on December 23, 2009 and appealed to the Board on January 27, 2010 (i.e., PCB No. 2010-55). PCB No. 2010-55 was consolidated with the permit appeal in PCB No. 2007-30, which was filed on October 24, 2006 and concerns

the contested conditions of the CAAPP Permit issued by the Illinois EPA on September 19, 2006.

2. While the parties have reached substantial agreement as to all contested conditions, these conditions require differing procedures in order to revise the CAAPP Permit and resolve the consolidated appeals.

3. In order to begin incorporating the negotiated changes into the CAAPP Permit, the parties request that the Board lift the stay as to the uncontested conditions and remand the permit back to Illinois EPA. On the same day the CAAPP Permit is remanded by the Board, Illinois EPA will establish new effective and expiration dates reflecting the five-year tenure of the permit and will issue a modified version of the CAAPP Permit, through minor modification and administrative amendment proceedings, incorporating the negotiated changes.

4. On March 14, 2019, the United States Environmental Protection Agency (“USEPA”) will complete its 45-day review period of proposed minor modifications to the CAAPP Permit that will be revised through negotiated settlement.

5. Within a reasonable time following the issuance of the modified CAAPP permit, Premcor will request appropriate Board action to bring this consolidated matter to resolution.

6. The Board may wish to note that once the modified version of the CAAPP Permit incorporating the above-referenced negotiated changes is issued, the parties will continue working toward completion of a comprehensive update to the CAAPP Permit through the permit reopening process.

7. Once the reopened and updated CAAPP Permit is issued, the reopened permit will be noticed for public comment and USEPA review.

WHEREFORE, the parties jointly and respectfully request that the Board lift the stay of the uncontested conditions of the CAAPP Permit and remand the permit to Illinois EPA.

Respectfully submitted,

THE PREMCOR REFINING GROUP INC.,

PEOPLE OF THE STATE OF ILLINOIS
ex rel. KWAME RAOUL, Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement Division

By: /s/ Melissa S. Brown

By: /s/ Raymond J. Callery

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Dated: March 7, 2019