

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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DEC 07 2006

STATE OF ILLINOIS
Pollution Control Board

THE PREMCOR REFINING)
GROUP, INC.,)
)
 Petitioner,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
 Respondent.)

PCB No. 07-030
(CAAPP Permit Appeal)

NOTICE

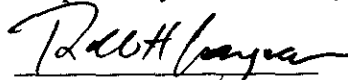
To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Carol Webb
Hearing Officer
600 S. Second Street
Suite 402
Springfield, Illinois 62704

Katherine D. Hodge and Monica T. Rios
Hodge Dwyer Zeman
3150 Roland Avenue
P.O. Box 5776
Springfield, Illinois 62705-5776

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board one original and four duplicate copies of the **ADMINISTRATIVE RECORD** and **MOTION TO FILE ADMINISTRATIVE RECORD INSTANTER** of the Respondent, Illinois Environmental Protection Agency, a copy of which is herewith served upon the assigned Hearing Officer and the attorneys for the Petitioner.

Respectfully submitted by,



Robb H. Layman
Assistant Counsel

Dated: December 6, 2006
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 524-9137

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Pollution Control Board

THE PREMCOR REFINING)	
GROUP, INC.,)	
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Petitioner,)	
)	PCB No. 07-030
v.)	(CAAPP Permit Appeal)
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ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ADMINISTRATIVE RECORD OF PERMIT APPLICATION

The Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), by and through its attorneys and pursuant to the procedural requirements of the Illinois Pollution Control Board ("Board") set forth at 35 Ill. Adm. Code 105.302(f), files the Administrative Record of Permit Application ("Administrative Record") in this cause.

1. This matter originates from a Clean Air Act Permit Program ("CAAPP") permit, Permit No. 96030082, that was granted by the Illinois EPA to THE PREMCOR REFINING GROUP, INC., (hereinafter, "Premcor") on September 19, 2006, for the operation of a Marine Terminal located at 201 East Hawthorne in Hartford, Illinois.

2. On or about October 24, 2006, Petitioner's attorneys filed a Petition for Review ("Petition") with the Board seeking an appeal of the Illinois EPA's CAAPP permitting decision.

3. The Illinois EPA received service of the Petition on October 25, 2006.

4. On November 16, 2006, the Board accepted the case for hearing and, consistent with the Board's procedural rules, directed the Illinois EPA to file its Administrative Record.

5. On November 27, 2006, the Illinois EPA's attorney in this matter electronically filed his Appearance and a Motion to Dismiss the Petitioner's appeal with the Board. Copies of the filing were mailed to the Hearing Officer and the Petitioner's attorneys on that same day.

6. On November 28, 2006, the Board's Hearing Officer convened an initial status conference with the parties. Among other things, the Illinois EPA's attorney reported that the Administrative Record was being assembled, screened and copied for an impending filing with the Board in a few days time.

7. By the accompanying motion seeking filing instanter, the Illinois EPA herewith files five copies (i.e., a signed original and four (4) duplicate copies) of the Administrative Record in accordance with 35 Ill. Adm. Code 101.302(h)(2). One copy of this filing is being served on the Petitioner. At the Hearing Officer's request, a copy of this pleading, but not the attached documents that comprise the Administrative Record, is being served on the Hearing Officer at this time.

8. This Administrative Record generally consists of non-privileged documents and communications, as made known and available to the undersigned attorney through other Illinois EPA personnel, that formed the basis for the permit determination. These documents include, among other things, the permit application, correspondence received by or exchanged with Petitioner and, except for matters within its institutional knowledge, those documents that were relied upon by the Illinois EPA's

Division of Air Pollution Control (“DAPC”)/Permits Section in the issuance of the subject CAAPP and Title I permit.

9. It should be noted that at least one document that is ordinarily included in the Illinois EPA’s Administrative Record is currently missing from DAPC/Permits Section archives and cannot be restored or duplicated at this time. The subject document is the initial draft CAAPP permit that was publicly noticed by the Illinois EPA in October 2003. A copy of the draft permit was placed on the United States Environmental Protection Agency’s Region V website at the time of public notice, however, it was a common practice for initial draft CAAPP permits to be ‘cut and pasted’ over by later versions of the permit. DAPC/Permits Section employed a similar practice in making later revisions to the original draft CAAPP permits. Petitioner should not suffer hardship due to the absence of this document from the Administrative Record. However, to the extent that the contents of the initial draft CAAPP operating permit may become material to this proceeding, Petitioner is free to move the Board to supplement the Administrative Record with any such copy of the draft permit that may be in the Petitioner’s own possession, provided that it is subject to a showing of authenticity.

10. A general description and referenced page numbers of the Administrative Record in this proceeding are as follows:

<u>Document reference</u>	<u>Page</u>
CAAPP Permit Application, dated September 2003, for Premcor’s Hartford Distribution Center.	1-348
Electronic mail message, dated September 22, 2003, from Fern Paterson, Trinity Consultants, to Sunil Suthar, DAPC/Permits Section, together with attached updated information to floating roof tank sections of the CAAPP permit application.	349-377

Document reference

Page

Electronic mail correspondence, dated September 23, 2003, between Fern Paterson, Trinity Consultants, and Sunil Suthar, DAPC/Permits Section, regarding question concerning loading operations.	378-380
Electronic mail message, dated September 24, 2003, from Fern Paterson, Trinity Consultants, to Sunil Suthar, DAPC/Permits Section, together with attached updated information to floating roof tank sections of the CAAPP permit application.	381-424
Electronic mail correspondence, dated October 1, 2003, between Fern Paterson, Trinity Consultants, and Sunil Suthar, DAPC/Permits Section, together with attached updated information to wastewater section of the CAAPP permit application.	425-439
Electronic mail correspondence, dated October 7, 2003, between Fern Paterson, Trinity Consultants, and Sunil Suthar, DAPC/Permits Section, regarding fee determination.	440-445
Cover letter, dated October 8, 2003, from Thomas F. Mroz, Premcor, to Donald E. Sutton, DAPC/Permits Section, and attached updated CAAPP forms to the CAAPP permit application.	446-462
Electronic mail message, dated October 8, 2003, from Fern Paterson, Trinity Consultants, to Sunil Suthar, DAPC/Permits Section, together with updated CAAPP forms to the CAAPP permit application.	463-499
Electronic mail message, dated October 8, 2003, from Fern Paterson, Trinity Consultants, to Sunil Suthar, DAPC/Permits Section, together with attached updated information regarding Executive Summary of the CAAPP permit application.	500-502
Electronic mail message, dated November 7, 2003, from Fern Paterson, Trinity Consultants, to Sunil Suthar, DAPC/Permits Section, regarding Premcor's comments to draft CAAPP permit, together with attached copy of the same.	503-507

<u>Document reference</u>	<u>Page</u>
Electronic mail correspondence, dated November 7, 2003, between Fern Paterson, Trinity Consultants, and Sunil Suthar, DAPC/Permits Section, regarding legal description of Hartford facility location.	508-509
Electronic mail message, dated November 10, 2003, from Kathy Andria, American Bottom Conservancy, to Dave Kolaz, Bureau of Air, together with attached comment and request for hearings and extensions regarding various draft CAAPP permits.	510-513
Electronic mail message, dated December 11, 2003, from Kathy Andria, American Bottom Conservancy, to Brad Frost, DAPC/Community Relations, together with attached comments on various draft CAAPP permits.	514-518
Electronic mail message, dated December 12, 2003, from Jim Bensman, Piasa Palisades Group, to Jim Ross, DAPC/Permits Section, regarding comments to the draft Premcor CAAPP permit.	519
Electronic mail message, dated December 14, 2003, from Kathy Andria, American Bottom Conservancy, to Brad Frost, DAPC/Community Relations, together with attached news articles regarding Premcor facility.	520-583
Electronic mail message, dated December 12, 2003, from Kathy Andria, American Bottom Conservancy, to Jim Ross, DAPC/Permits Section, concerning request to extend the comment period for the draft Premcor CAAPP operating permit.	584-585
Notice of Public Hearing and Comment Period for the proposed issuance of CAAPP Permit.	586
Project Summary for the CAAPP Permit.	587-590
Final Draft/Proposed CAAPP permit, dated May 27, 2004.	591-693
Transcript of the public hearing for the draft CAAPP Permit, dated July 13, 2004.	694-768
CAAPP Permit Application Supplement, dated July 2004, for Premcor's Hartford Distribution Center.	769-941

<u>Document reference</u>	<u>Page</u>
Letter, dated August 2, 2004, from Rebecca Malloy, Premcor, to Sunil Suthar, DAPC/Permits Section, regarding comments to the proposed CAAPP permit.	942-945
Electronic mail message, dated August 4, 2004, from Fern Paterson, Trinity Consultants, to Sunil Suthar, DAPC/Permits Section, regarding primary contact person for comments on the proposed CAAPP permit.	946
Electronic mail message, dated August 4, 2004, from Tony Schroeder, Trinity Consultants, to Sunil Suthar, DAPC/Permits Section, regarding scheduled conference call.	947
Electronic mail message, dated August 6, 2004, from Tony Schroeder, Trinity Consultants, to Sunil Suthar, DAPC/Permits Section, regarding matters discussed during recent conference call, together with attached diagram.	948-951
Electronic mail message, dated August 17, 2004, from Kathy Andria, American Bottom Conservancy, to Brad Frost, DAPC/Community Relations, together with attached comments on the proposed CAAPP permit.	952-955
Electronic mail message, dated August 17, 2004, from Sunil Suthar, DAPC/Permits Section, to Fern Paterson, Trinity Consultants, forwarding comments received on the proposed CAAPP permit during public comment.	956
Electronic mail message, dated August 17, 2004, from Kathy Andria, American Bottom Conservancy, to Brad Frost, DAPC/Community Relations, together with corrected comments on the proposed CAAPP permit.	957-960
Letter, dated August 26, 2004, from Thomas Mroz, Premcor, to Sunil Suthar, DAPC/Permits Section, regarding response to comments submitted by American Bottom Conservancy.	961-967
Facsimile cover page, dated September 1, 2004, from Tony Schroeder, Trinity Consultants, to Sunil Suthar, DAPC/Permits Section, together with attached copy of earlier Completeness Determination and Source Fee Determination.	968-970

<u>Document reference</u>	<u>Page</u>
Electronic mail message, dated November 29, 2005, from Tony Schroeder, Trinity Consultants, to Sunil Suthar, DAPC/Permits Section, regarding search for comments to the proposed CAAPP permit.	971
Electronic mail message, dated November 29, 2005, from Jason Schnepf, DAPC/Permits Section, to Sunil Suthar, DAPC/Permits Section, together with a copy of a proposed construction permit.	972-978
Electronic mail message, dated January 31, 2006, between Tony Schroeder, Trinity Consultants, and Sunil Suthar, DAPC/Permits Section, together with a copy of a recent construction permit.	979-988
Electronic mail correspondence, dated March 17, 2006, between Tony Schroeder, Trinity Consultants, and Sunil Suthar, DAPC/Permits Section, regarding the status of various tanks.	989-991
Electronic mail correspondence, dated March 22, 2006, between Tony Schroeder, Trinity Consultants, and Sunil Suthar, DAPC/Permits Section, regarding the status of various tanks.	992-993
Electronic mail correspondence, dated March 24, 2006, between Tony Schroeder, Trinity Consultants, and Sunil Suthar, DAPC/Permits Section, regarding permit status and new emission units.	994-995
Letter, dated April 3, 2006, from John Tenison, Valero Energy Corporation, to Sunil Suthar, DAPC/Permits Section, regarding updated list of storage tanks.	996-997
Electronic mail correspondence, dated May 12, 2006, between Tony Schroeder, Trinity Consultants, and Sunil Suthar, DAPC/Permits Section, regarding updated storage tank list.	998-999
Project Summary for the Draft CAAPP permit.	1000-1015
Proposed CAAPP Permit, dated August 2, 2006.	1016-1119
Review notes, undated, prepared by Sunil Suthar, DAPC/Permits Section.	1120-1121

Document reference

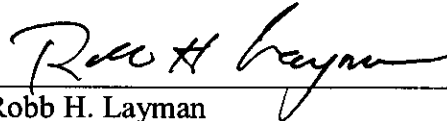
Page

Final CAAPP permit, issued September 19, 2006.

1122-1225

Respectfully submitted by,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY



Robb H. Layman
Assistant Counsel

Date: December 6, 2006
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 524-9137

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PROTECTION AGENCY,)
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Respondent.)

PCB No. 07-030
(CAAPP Permit Appeal)

**MOTION TO FILE
ADMINISTRATIVE RECORD INSTANTER**

NOW COMES the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), by and through its attorneys, and moves the ILLINOIS POLLUTION CONTROL BOARD ("Board") to accept the filing of the Administrative Record in this cause instanter. In support of this motion, the Respondent states as follows:

1. On or about October 24, 2006, attorneys for the Petitioner, THE PREMCOR REFINING GROUP, INC., ("Premcor") filed a Petition for Review ("Petition") with the Board seeking an appeal of the Illinois EPA's Clean Air Act Permit Program ("CAAPP") permitting decision.
2. The Illinois EPA received service of the Petition on October 25, 2006.
3. In accordance with the Board's procedural requirements set forth in 35 Ill. Adm. Code 105.302(f), the Illinois EPA's Administrative Record of the CAAPP permit application is to be filed with the Board within 30 days of service of a petition.
4. Due to the press of other legal matters, as well as the inclement weather experienced in the Springfield area late last week, the assigned Illinois EPA attorney was

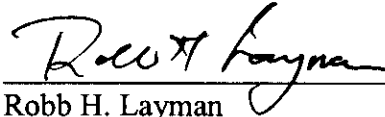
unavoidably delayed in both assembling and copying the Administrative Record.

5. Petitioner will suffer no hardship by the granting of this Motion.

WHEREFORE, the Illinois EPA respectfully requests that the Board accept the filing of the Administrative Record instant or otherwise order such relief as may be deemed appropriate.

Respectfully submitted by,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

A handwritten signature in black ink, appearing to read "Robb H. Layman", is written over a horizontal line.

Robb H. Layman
Assistant Counsel

December 6, 2006
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)524-9137

ORIGINAL
CERTIFICATE OF SERVICE

RECEIVED
CLERK'S OFFICE

DEC 07 2006

STATE OF ILLINOIS
Pollution Control Board

I hereby certify that on the 6th day of December 2006, I did send, by First Class Mail with postage thereon fully paid and deposited into the possession of the United States Postal Service, the following instruments entitled **ADMINISTRATIVE RECORD** and **MOTION TO FILE ADMINISTRATIVE RECORD INSTANTER**

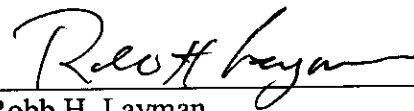
to:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

and a true and correct copy of the same foregoing instrument, by First Class Mail with postage thereon fully paid and deposited into the possession of the United States Postal Service, to:

Carol Webb
Hearing Officer
600 S. Second Street
Suite 402
Springfield, Illinois 62704

Katherine D. Hodge and Monica T. Rios
Hodge Dwyer Zeman
3150 Roland Avenue
P.O. Box 5776
Springfield, Illinois 62705-5776



Robb H. Layman
Assistant Counsel