

ILLINOIS POLLUTION CONTROL BOARD

May 15, 2008

IN THE MATTER OF:)
)
PETITION OF CITGO PETROLEUM) AS 08-8
CORPORATION AND PDV MIDWEST) (Adjusted Standard - Water)
REFINING, L.L.C. FOR AN ADJUSTED)
STANDARD FROM AMMONIA)
NITROGEN DISCHARGE LEVELS AT 35)
ILL. ADM. CODE 304.122)

ORDER OF THE BOARD (by A.S. Moore):

On March 18, 2008, CITGO Petroleum Corporation (CITGO) and PDV Midwest Refining, L.L.C (PDV) (collectively, petitioners) filed a petition for an adjusted standard (Pet.). PDV owns and CITGO operates a petroleum refinery located at 135th Street and New Avenue in Lemont, Will County (Refinery). Specifically, petitioners seek an adjusted standard from the Board's ammonia nitrogen discharge standards. *See* 35 Ill. Adm. Code 304.122(b).

The Refinery has 530 employees and produces approximately 25 different products including gasolines, diesel fuels, and home heating oils. Pet. at 5-6. The Refinery draws water from and discharges into the Chicago Sanitary and Ship Canal, which is a tributary of the Illinois River. Pet. at 2, 6. Since 1977, the Refinery has operated under a number of variances and site-specific rules granted by the Board for the ammonia nitrogen discharge. The current site specific rule provides ammonia nitrogen limits of 9.4 milligrams per liter (mg/L) as a monthly average and 26.0 mg/L as a daily maximum. 35 Ill. Adm. Code 304.213; *see* Petition of PDV Midwest Refining, L.L.C. for a Site-Specific Rulemaking Amendment to 35 Ill. Adm. Code 304.213, R98-14. The current site-specific rule also requires that the Refinery must meet applicable Best Available Technology Economically Achievable (BAT) limitations, which set limits in pounds per day based on barrels of crude oil processed per day. 35 Ill. Adm. Code 304.213 (b, c); *see* 40 CFR 419.23 (1992).

The requested adjusted standard would replace the current site specific rule, which terminates by its own terms on December 31, 2008. 35 Ill. Adm. Code 304.213(g). Specifically, the proposed adjusted standard continues to require the Refinery to meet BAT limitations, but sets a monthly average limitation for ammonia nitrogen of 6.93 mg/L whenever the monthly average discharge exceeds 100 pounds per day and 10.61 mg/L daily maximum whenever the daily discharge exceeds 200 pounds of ammonia. Pet. at 2-3. Petitioners request a hearing on the petition. Pet. at 20.

Section 28.1(d)(1) of the Environmental Protection Act (Act) (415 ILCS 5/28.1(d)(1) (2006)) and Section 104.408(a) of the Board's procedural rules (35 Ill. Adm. Code 104.408(a)) require the adjusted standard petitioner to publish notice of filing the petition. Those authorities require advertisement in a newspaper of general circulation in the area likely to be affected by the proposed adjusted standard. The notice must indicate that any person may cause a public

hearing to be held on the proposed adjusted standard by filing a hearing request with the Board within 21 days after publication. 415 ILCS 5/28.1(d)(1) (2006); 35 Ill. Adm. Code 104.408(b). Publication must take place within 14 days after the petition is filed. 415 ILCS 5/28.1(d)(1) (2006); 35 Ill. Adm. Code 104.408(a); *see also, e.g., In re Petition of SCA Tissue North American, L.L.C. for an Adjusted Standard from 35 Ill. Adm. Code 218.301 and 218.302(c), AS 05-1* (Jan. 6, 2005) (dismissing petition for adjusted standard for lack of jurisdiction when publication of notice occurred after 14-day period). Within 30 days after filing the petition, the petitioner must file a certificate of publication with the Board. 35 Ill. Adm. Code 104.410.

On April 3, 2008, petitioners filed with the Board a certificate of publication documenting that the required notice of the petition was published in the GateHouse Media Suburban Newspapers in Lemont on March 21, 2008. The Board finds that petitioners have met the notice requirements of the Act and the Board's procedural rules. *See* 415 ILCS 5/28.1(d)(1) (2006); 35 Ill. Adm. Code 104.408, 104.410. The Board accepts for hearing petitioners' petition for an adjusted standard.

On May 7, 2008, the Illinois Environmental Protection Agency (Agency) filed a Motion for Extension of Time to File Recommendation (Mot.). *See* 35 Ill. Adm. Code 104.416(a). Specifically, the Agency seeks to extend by 30 days to June 5, 2008, the deadline by which it is to file its recommendation. In an affidavit attached to the motion, counsel for the Agency states that he has contacted counsel for petitioners regarding the requested extension and that "CITGO does not object to allowing Illinois EPA an additional thirty (30) days time to file its Recommendation in this matter." Mot. (Affidavit of Sanjay K. Sofat). The Board grants the Agency's motion and extends to June 5, 2008, the deadline by which the Agency is to file its recommendation. Petitioners "may file a response to the recommendation within 14 days after the date of service of the recommendation." 35 Ill. Adm. Code 104.406(d). The Board, through orders of its own or its hearing officer, may direct petitioners to provide additional information concerning its petition for an adjusted standard prior to or at hearing.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 15, 2008, by a vote of 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board