

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

EXXONMOBIL OIL CORPORATION,)	
)	
Petitioner,)	PCB 11-86
)	(Variance-Air)
v.)	OR
)	PCB 12-46
ILLINOIS ENVIRONMENTAL)	(Variance-Air)
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE

TO: John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph St., Suite 11-500
Chicago, IL 60601

Katherine D. Hodge
Monica T. Rios
Hodge Dwyer & Driver
3150 Roland Avenue
P. O. Box 5776
Springfield, IL 62705-5776

Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph St., Suite 11-500
Chicago, IL 60601

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the AMENDED RECOMMENDATION, OR IN THE ALTERNATIVE, RECOMMENDATION AND RESPONSE TO EXXONMOBIL OIL CORPORATION'S MOTION TO CONFIRM FIVE-DAY NOTICE FOR HEARING PURSUANT TO SECTION 38(b) OF THE ILLINOIS ENVIRONMENTAL PROTECTION ACT of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: *Gina Roccaforte*
Gina Roccaforte
Assistant Counsel
Division of Legal Counsel

DATED: September 7, 2011
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217.782.5544
217.782.9143 (TDD)

**THIS FILING IS SUBMITTED
ON RECYCLED PAPER**

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)	
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AMENDED RECOMMENDATION, OR IN THE ALTERNATIVE,
RECOMMENDATION AND RESPONSE TO
EXXONMOBIL OIL CORPORATION'S MOTION TO CONFIRM FIVE-DAY NOTICE
FOR HEARING PURSUANT TO SECTION 38(b) OF THE ILLINOIS
ENVIRONMENTAL PROTECTION ACT

NOW COMES the Illinois Environmental Protection Agency ("Illinois EPA") by its attorney, Gina Roccaforte, in response to the Amended Petition for Variance, or in the Alternative, New Petition for Variance of EXXONMOBIL OIL CORPORATION ("ExxonMobil or Petitioner") from the January 1, 2015, compliance date for the applicable requirements of 35 Ill. Adm. Code 217, Subparts A, D, E, and F ("NO_x RACT Rule"), and ExxonMobil's Motion to Confirm Five-Day Notice for Hearing Pursuant to Section 38(b) of the Illinois Environmental Protection Act ("Motion"). Pursuant to Section 37(a) of the Illinois Environmental Protection Act ("Act") [415 ILCS 5/37(a) (2010)] and 35 Ill. Adm. Code 104.216, the Illinois EPA neither supports nor objects to ExxonMobil's request for variance as proposed. In addition, pursuant to 35 Ill. Adm. Code 101.500(d), 101.504, and 102.402, the Illinois EPA does not object to ExxonMobil's Motion. In support of this Amended Recommendation, or in the Alternative, Recommendation and Response to Motion, the Illinois EPA states as follows:

The Illinois EPA incorporates by reference the Recommendation filed with the Illinois Pollution Control Board ("Board") on August 18, 2011, with the only modification being the

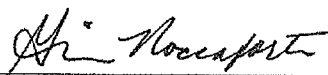
underlying Board regulation for which relief is being sought by ExxonMobil. As the Board is aware, the NO_x RACT Rule has recently been amended with a new compliance date for affected sources. *See*, 35 Ill. Reg. 14627 (September 2, 2011). In its Amended Petition for Variance, or in the Alternative, New Petition for Variance, ExxonMobil is requesting the same relief as in its Petition for Variance filed on May 18, 2011, with the only difference being that the relief is now being sought from the newly adopted regulation containing a compliance date of January 1, 2015. Accordingly, ExxonMobil is seeking a four-year and four-month variance from the January 1, 2015, compliance date. As set forth in its Recommendation filed on August 18, 2011, the Illinois EPA neither supports nor objects to the relief being sought by the Petitioner.

Furthermore, as to ExxonMobil's Motion, the Illinois EPA does not object to such Motion.

WHEREFORE, for the reasons set forth above, the Illinois EPA neither supports nor objects to the variance as presented and requested by Petitioner in its Amended Petition for Variance, or in the Alternative, New Petition for Variance and does not object to Petitioner's Motion.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Gina Roccaforte
Assistant Counsel
Division of Legal Counsel

DATED: September 7, 2011

1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276
217/782-5544

STATE OF ILLINOIS
COUNTY OF SANGAMON

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)
)
)
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SS

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served electronically the attached AMENDED RECOMMENDATION, OR IN THE ALTERNATIVE, RECOMMENDATION AND RESPONSE TO EXXONMOBIL OIL CORPORATION'S MOTION TO CONFIRM FIVE-DAY NOTICE FOR HEARING PURSUANT TO SECTION 38(b) OF THE ILLINOIS ENVIRONMENTAL PROTECTION ACT upon the following person:

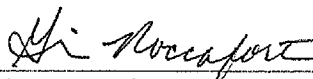
John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph St., Suite 11-500
Chicago, IL 60601

and mailing it by first-class mail from Springfield, Illinois, with sufficient postage affixed to the following persons:

Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph St., Suite 11-500
Chicago, IL 60601

Katherine D. Hodge
Monica T. Rios
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ILLINIOS ENVIRONMENTAL
PROTECTION AGENCY,



Gina Roccaforte
Assistant Counsel
Division of Legal Counsel

DATED: September 7, 2011

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