

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

WRB REFINING, LLC, Ultralow Sulfur)
Diesel Hydrotreater (Property)
Identification Number 19-1-08-35-00-)
000-001),)

Petitioner,)

v.)

PCB 12-40
(Tax Certification – Air)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

NOTICE OF FILING

TO: Mr. John Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)

(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board a copy of WRB REFINING, LLC's **ENTRY OF APPEARANCE OF KATHERINE D. HODGE, ENTRY OF APPEARANCE OF MONICA T. RIOS, and MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO MOTION FOR RECONSIDERATION**, a copies of which are hereby served upon you.

Respectfully submitted,

WRB REFINING, LLC,
Petitioner,

Dated: December 9, 2011

By: /s/ Katherine D. Hodge
One of Its Attorneys

Katherine D. Hodge
Monica T. Rios
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

CERTIFICATE OF SERVICE

I, Katherine D. Hodge, the undersigned, certify that I have served the attached
ENTRY OF APPEARANCE OF KATHERINE D. HODGE, ENTRY OF
APPEARANCE OF MONICA T. RIOS, and MOTION FOR EXTENSION OF TIME
TO FILE RESPONSE TO MOTION FOR RECONSIDERATION upon:

Mr. John Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic mail on December 9, 2011; and upon:

Steve Santarelli
Illinois Department of Revenue
101 West Jefferson
P.O. Box 19033
Springfield, Illinois 62794

Robb H. Layman, Esq.
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Whitt Law, LLC
Brittany F. Theis
Joshua S. Whitt
Stuart L. Whitt
Brian R. Bare
70 S. Constitution drive
Aurora, Illinois 60506

by depositing said documents in the United States Mail, postage prepaid, in Springfield,

Illinois, on December 9, 2011.

/s/ Katherine D. Hodge
Katherine D. Hodge

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ENTRY OF APPEARANCE OF KATHERINE D. HODGE

NOW COMES Katherine D. Hodge, of the law firm HODGE DWYER & DRIVER, and hereby enters her appearance on behalf of Petitioner WRB REFINING, LLC, in the above-referenced matter.

Respectfully submitted,

WRB REFINING, LLC,
Petitioner,

By: /s/ Katherine D. Hodge
Katherine D. Hodge

DATE: December 9, 2011

Katherine D. Hodge
HODGE DWYER & DRIVER
3150 Roland Avenue
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Respondent.)	

ENTRY OF APPEARANCE OF MONICA T. RIOS

NOW COMES Monica T. Rios, of the law firm HODGE DWYER & DRIVER, and hereby enters her appearance on behalf of Petitioner WRB REFINING, LLC, in the above-referenced matter.

Respectfully submitted,

WRB REFINING, LLC,
Petitioner,

By: /s/ Monica T. Rios
Monica T. Rios

DATE: December 9, 2011

Monica T. Rios
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705
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**MOTION FOR EXTENSION OF TIME TO FILE
RESPONSE TO MOTION FOR RECONSIDERATION**

NOW COMES WRB REFINING, LLC (“WRB”), by and through its attorneys, HODGE DWYER & DRIVER, pursuant to the 35 Ill. Admin. Code Part 101, and for its Motion for Extension of Time to File Response to Motion for Reconsideration (“MET”) states as follows:

1. On September 8, 2011, the Illinois Pollution Control Board (“Board”) issued an order certifying that WRB’s Ultralow Sulfur Diesel Hydrotreater systems are pollution control facilities. Order, *WRB Refining, LLC, Ultralow Sulfur Diesel Hydrotreater (Property Identification Number 19-1-08-35-00-000-001) v. Illinois EPA*, PCB No. 12-40 (Ill.Pol.Control.Bd. Sept. 8, 2011) (matter hereafter cited as “PCB No. 12-40”). Subsequently, Roxana Community Unit School District No. 1 (“Roxana”) filed a Petition for Leave to Intervene (“Petition”) in this matter. Petition for Leave to Intervene, PCB No. 12-40 (Ill.Pol.Control.Bd. Sept. 13, 2011). The Board denied the Petition on October 20, 2011. Order, PCB No. 12-40 (Ill.Pol.Control.Bd. Oct. 20, 2011).

2. On November 23, 2011, Roxana filed a Motion for Reconsideration (“Motion”) requesting, among other things, that the Board reconsider its October 20, 2011 Order denying Roxana’s Petition. Motion for Reconsideration, PCB No. 12-40 (Ill.Pol.Control.Bd. Nov. 23, 2011). WRB received the Motion on or after November 28, 2011.

3. WRB retained new counsel for this matter on December 8, 2011. *See* Exhibit 1. As new counsel was retained yesterday, WRB requests additional time to file a response to Roxana’s Motion.

4. An extension of time will prejudice neither the Board nor Illinois EPA since it will simply allow additional time for WRB to file a response that addresses the allegations in the Motion, and there is no statutory decision deadline that must be met. In fact, the Board may be prejudiced by denying the MET, as it will not have all of the information that it may need to make a determination regarding the Motion.

5. The Board rules specifically state in regards to METs that the “Board or hearing officer, for good cause shown on a motion after notice to the opposite party, may extend the time for filing any document or doing any act which is required by these rules to be done within a limited period, either before or after the expiration of time.” 35 Ill. Admin. Code § 101.522. *See Illinois v. Skokie Valley Asphalt, Co., et al*, PCB No. 96-98 (Ill.Pol.Control.Bd. Mar. 20, 2003).

6. In this case, new counsel has been retained, and it is imperative that additional time to respond to the Motion be allowed in order to allow new counsel the opportunity to review the record in this matter and file a response addressing the

statements and allegations made by Roxana in its Motion. This will allow for a more complete record for the Board's review and consideration.

7. Accordingly, WRB requests that the Board exercise its discretion and grant an extension of fourteen days from the date of the Board order granting this MET to file a response to the Motion.

8. Counsel for WRB has conferred with counsel for Illinois EPA, and Illinois EPA does not object to this MET.

WHEREFORE, WRB REFINING, LLC respectfully requests that the Illinois Pollution Control Board grant this Motion for Extension of Time and allow additional time for filing a Response to Roxana's Motion for Reconsideration.

Respectfully submitted,

WRB REFINING, LLC
Petitioner,

By: /s/ Katherine D. Hodge
One of Its Attorneys

DATE: December 9, 2011

Katherine D. Hodge
Monica T. Rios
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AFFIDAVIT OF KATHERINE D. HODGE

I, Katherine D. Hodge, being first duly sworn on oath, depose and state as follows:

1. I am an attorney at HODGE DWYER & DRIVER, a law firm located in Springfield, Illinois.

2. At approximately 4:30 p.m. on December 8, 2011, WRB REFINING, LLC retained HODGE DWYER & DRIVER as its representation in the above-captioned matter.

FURTHER AFFIANT SAYETH NOT.


Katherine D. Hodge

Subscribed and sworn to before me this 9th day of December, 2011.


Notary Public

OFFICIAL SEAL
ANGELA M. BUHL
Notary Public - State of Illinois
My Commission Expires Jan 26, 2013

EXHIBIT
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