

ILLINOIS POLLUTION CONTROL BOARD  
May 2, 2013

UNITED STATES STEEL	)	
CORPORATION, a Delaware corporation	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 13-53
	)	(CAAPP Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J.A. Burke):

On April 8, 2013, United States Steel Corporation (U.S. Steel) timely filed a petition asking the Board to review a March 4, 2013 determination of the Illinois Environmental Protection Agency (Agency). The Agency's determination concerns U.S. Steel's integrated iron and steel mill at 20th and State Streets, Granite City, Madison County. Also on April 8, 2013, U.S. Steel filed a motion for stay of effectiveness of the contested permit conditions (Mot.). On April 18, 2013, the Board accepted the petition for hearing but reserved ruling on U.S. Steel's motion for stay. For the reasons below, the Board today grants U.S. Steel's motion.

**MOTION FOR STAY OF CONTESTED CONDITIONS**

U.S. Steel requests a stay of effectiveness of the contested conditions within the revised Clean Air Act Permit Program (CAAPP) permit (App. No. 96030056) issued to U.S. Steel by the Agency on March 4, 2013. Mot. at 1. The contested conditions are:

- 1) Condition 5.13 – General Procedures for Certain Permit Limits on Emissions;
- 2) Condition 7.1.6(b)(i)-(iv) – Emission Factors for Material Handling and Processing Operations;
- 3) Condition 7.4.6(b)-(f) – Emission Factors for Blast Furnace Activities;
- 4) Condition 7.5.6(b) – Annual Nitrogen Oxides (NO<sub>x</sub>) and Volatile Organic Material (VOM) Emission Limits for the Basic Oxygen Furnace (BOF) Shop;
- 5) Condition 7.5.6(c)-(g) – Emission Factors for BOF Shop Activities, NO<sub>x</sub> and VOM Maximum Emission for the BOF Electrostatic Precipitator Stack, and failure to include a note regarding a compliance schedule;

- 6) Condition 7.5.13 – Compliance Schedule and Current Enforcement Status: Failure to include a compliance schedule for NO<sub>x</sub> and VOM emissions from the BOF Shop; and
- 7) Condition 7.6.6(a)-(e) – Emission Factors for Continuous Casting Activities.

Mot. at 1-2.

U.S. Steel cites Section 40.2(f) of the Act, which states in part that, “[i]f requested by the applicant, the Board shall stay the effectiveness of all the contested conditions of a CAAPP permit.” Mot. at 2. U.S. Steel argues that the stay is necessary “to prevent irreparable harm to U.S. Steel and to protect U.S. Steel’s clearly ascertainable right to appeal permit conditions.” *Id.* at 3.

### DISCUSSION

On April 18, 2013, the Board reserved ruling on U.S. Steel’s motion for stay to allow the Agency’s 14-day response time to run. *See* 35 Ill. Adm. Code 101.500(d). To date, the Agency has not filed a response. The Agency is therefore deemed to have waived any objection to granting the motion. 35 Ill. Adm. Code 101.500(d).

Section 40.2(f) of the Act makes clear that contested conditions of a CAAPP permit shall be stayed at the request of the applicant. 415 ILCS 5/40.2(f) (2010); *see also* CenterPoint Energy – Mississippi River Transmission, LLC v. IEPA, PCB 12-14, slip op. at 3 (Nov. 17, 2011). “If the Board stays any, but not all, conditions, then the applicant shall continue to operate in accordance with any related terms and conditions of any other applicable permits until final Board action in the review process.” 415 ILCS 5/40.2(f) (2010). The Board grants U.S. Steel’s motion for stay of the contested conditions set forth above. This partial stay shall remain in effect until the Board takes final action in this matter or if the Board orders otherwise.

IT IS SO ORDERED.

Chairman Holbrook abstained.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 2, 2013 by a vote of 4-0.



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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board