

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

IN THE MATTER OF:	)	
	)	
CITGO PETROLEUM CORPORATION and	)	
PDV MIDWEST REFINING, L.L.C.,	)	
	)	PCB _____
Petitioners,	)	(Variance - Water)
	)	
v.	)	
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

To:

John Therriault, Clerk of the Board Illinois Pollution Control Board 100 West Randolph, Suite 11-500 Chicago, IL 60601	John J. Kim, Interim Director Illinois Environmental Protection Agency 1021 N. Grand Avenue East, P.O. Box 19274 Springfield, IL 62794-9274
Sara Terranova; Stephanie Diers, Office of Chief Legal Counsel Illinois Environmental Protection Agency 1021 N. Grand Avenue East P.O. Box 19274 Springfield, IL 62794-9274	

Please take notice that on July 10, 2013, we filed electronically with the Office of the Clerk of the Illinois Pollution Control Board the attached **Motion to Incorporate**, a copy of which is served upon you.

CITGO PETROLEUM CORPORATION and  
PDV MIDWEST REFINING, L.L.C.

By:   
\_\_\_\_\_  
One of Its Attorneys

Jeffrey C. Fort  
Irina Dashevsky  
Dentons US LLP  
233 S. Wacker Drive  
Suite 7800  
Chicago, IL 60606-6404

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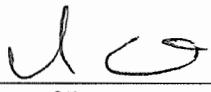
**MOTION TO INCORPORATE**

On July 10, 2013, CITGO Petroleum Corporation and PDV Midwest Refining, L.L.C. (collectively, "Petitioners") filed a Petition for Modification of Variance to include Additional Condition for Protection of Aquatic Life Uses ("Petition") with the Illinois Pollution Control Board ("Board"). In support of that Petition, and in accordance with 35 Ill. Adm. Code 104.210(d)(3) and 101.306(a), Petitioners file this Motion to incorporate the records of the previous variance proceedings, which relate to the Petition in this matter. Petitioners respectfully request that the Board incorporate into the record in this proceeding any material from the record of the prior variance proceedings in *Citgo Petroleum Corporation and PDV Midwest Refining, L.L.C., v. Illinois Environmental Protection Agency* (Variance - Water), PCB 05-85, PCB 08-33, and PCB 12-94. Petitioners request that the entire record, including the initial petition, all orders, agency recommendations, pre-filed testimony, hearing transcripts, exhibits, briefs, and records themselves incorporated therein (such as those of PCB 05-85) contained in PCB 08-33 be incorporated into this variance proceeding.

Pursuant to sec. 101.306(a), the person seeking incorporation must file with the Board 4 copies of the material to be incorporated. However, the records of the three variance proceedings at issue (PCB 05-85, PCB 08-33, and PCB 12-94) are quite voluminous and replete with lengthy supporting attachments. Submitting four copies of these records as part of the Petition would be wasteful of the parties' and the Board's efforts and resources, particularly because, in large part, these records are available online on the Board's website at <http://www.ipcb.state.il.us/COOL/external/cases.aspx>.

WHEREFORE, Petitioners respectfully request that this Motion to Incorporate be granted and that the Board waive the requirement to submit four copies of the records at issue and allow Petitioners to file only one copy of each record.

CITGO PETROLEUM CORPORATION and  
PDV MIDWEST REFINING, L.L.C.

By:   
\_\_\_\_\_  
One of Its Attorneys

Dated: July 10, 2013

Jeffrey C. Fort  
Irina Dashevsky  
Dentons US LLP  
233 S. Wacker Drive  
Suite 7800  
Chicago, IL 60606-6404

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that I have served upon the individuals named on the attached Notice of Filing true and correct copies of this **Motion to Incorporate** by First Class Mail, postage prepaid, on July 10, 2013.

  
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