

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

| | | |
|-------------------------|---|---------------------|
| KCBX TERMINALS COMPANY, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | PCB 14-110 |
| |) | (Air Permit Appeal) |
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |

NOTICE OF FILING

TO: John T. Therriault
 Clerk of the Board
 Illinois Pollution Control Board
 James R. Thompson Center
 100 West Randolph, Suite 11-500
 Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board KCBX TERMINALS COMPANY'S **MOTION TO SUPPLEMENT PETITION FOR REVIEW**, copies of which are herewith served upon you.

Respectfully submitted,
 KCBX TERMINALS COMPANY,
 Petitioner,

Dated: February 25, 2014

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

Katherine D. Hodge
 Matthew C. Read
 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, hereby certify that I have served the
attached KCBX TERMINALS COMPANY'S MOTION TO SUPPLEMENT PETITION

FOR REVIEW upon:

John T. Therriault
Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

via electronic mail on February 25, 2014; and upon:

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue
Post Office Box 19276
Springfield, Illinois 62794-9276

by depositing said documents in the United States Mail, postage prepaid, in Springfield,
Illinois on February 25, 2014.

/s/ Katherine D. Hodge
Katherine D. Hodge

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PETITIONER'S MOTION TO SUPPLEMENT PETITION FOR REVIEW

NOW COMES Petitioner, KCBX TERMINALS COMPANY ("KCBX"), a North Dakota corporation, by and through its attorneys, HODGE DWYER & DRIVER, and hereby moves to supplement its Petition for Review before the Illinois Pollution Control Board ("Board") with the signed affidavit of Terry Steinert, which was referenced in KCBX's Petition for Review filed with the Board on February 21, 2014. In support of its Motion, KCBX states as follows:

1. On January 17, 2014, Illinois EPA issued to KCBX a Permit Denial for its facility located at 10730 South Burley Avenue, Chicago, Illinois 60617. The Permit Denial was received by KCBX on January 21, 2014.

2. On February 21, 2014, KCBX timely filed its Petition for Review of the Permit Denial. In support of certain statements in its Petition for Review, KCBX filed an unsigned affidavit for Terry Steinert. Petition for Review, Exhibit 16. Since Mr. Steinert was out of town on business at the time the Petition for Review was filed, KCBX did not file a signed affidavit, but instead, agreed to file a signed affidavit upon his return.

Petition for Review at 5. KCBX agreed to file Mr. Steinert's signed affidavit upon his return to the office.

3. Mr. Steinert's signed affidavit is attached to this Motion as Exhibit 1.

4. Because the Record is incomplete, KCBX requests that it be supplemented with the exhibit attached hereto, in order to make available to the Board all documents relevant to this matter.

WHEREFORE Petitioner, KCBX TERMINALS COMPANY, for the above-stated reasons, respectfully prays that the Board grant this Motion to Supplement Petition for Review, and that the Board award KCBX TERMINALS COMPANY all other relief just and proper in the premises.

Respectfully submitted,

KCBX TERMINALS COMPANY
Petitioner,

Dated: February 25, 2014

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

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

KCBX:004.Filings Permit Appeal PCB 2014-110/Motion to Supplement the Record

STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

Terry Steinert on oath deposes and states:

1. That he has worked for KOCH MINERALS LLC ("KOCH MINERALS"), or its predecessor, for over nine years.

2. That he is currently employed as the Southwest Region Environmental Manager for KOCH MINERALS, but at the time of the events described in the Petition for Review was employed as the Environmental Compliance Manager for KOCH MINERALS.

3. That as part of his duties as the Environmental Compliance Manager, he was responsible for Environmental activities at KCBX TERMINALS COMPANY ("KCBX").

4. That he earned a Bachelor of Science degree in watershed science and a Master of Science degree in environmental science in 1983 and 1985, respectively.

5. That the Petition for Review involves KCBX's operation at 10730 South Burley Avenue, Chicago, Illinois (the "Facility").

6. That he has reviewed the Petition for Review filed with the Illinois Pollution Control Board and the e-mail and sign-in sheet referenced in paragraph 15.

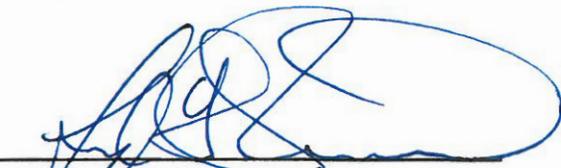
7. That the statements in paragraphs 15 and 44 are true and correct.

8. That the statements in paragraph 36 are true and correct, to the best of his knowledge.

9. That the e-mail and sign-in sheet referenced in paragraph 15 are true and correct copies.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

FURTHER AFFIANT SAYETH NOT.



Terry Steinert

Subscribed and sworn to before me this
25th Day of February 2014.



Notary Public


WENDY KING
Notary Public - State of Kansas
My Appt. Expires 5/9/2014