

ILLINOIS POLLUTION CONTROL BOARD
November 18, 2004

CITGO PETROLEUM CORPORATION and)	
PDV MIDWEST REFINING, L.L.C.,)	
)	
Petitioners,)	
)	
v.)	PCB 05-85
)	(Variance - Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J.P. Novak):

On November 8, 2004, CITGO Petroleum Corporation and PDV Midwest Refining, L.L.C. (the petitioners) filed a petition for a variance for the oil refinery located at stream mile 296.5 of the Chicago Sanitary and Ship Canal, near Lockport, in Will County. The petitioners seek five-year relief from the stream waster quality standards for total dissolved solids (TDS) and sulfate of 35 Ill. Adm. Code 302.208(g) and 302.407. Alternatively, they seek a declaration that their discharges will not cause or contribute to a violation of the Board's water quality standards for TDS.

Petitioners assert that the requested relief is necessary to their actions under a Consent Decree with the United States Environmental Protection Agency and the States of Illinois, Louisiana, New Jersey, and Georgia to resolve certain alleged air quality violations. To comply with the Consent Decree, petitioners assert they must construct certain equipment and obtain air and water construction and operating permits from the Illinois Environmental Protection Agency (Agency). Petitioners state that the Agency has advised that it cannot issue such a wastewater construction permit due to occasional water quality violations for TDS.

The petitioners have requested a hearing on their petition. The petition meets the content requirements of 35 Ill. Adm. Code 104.204. The Board accepts the petition for hearing.

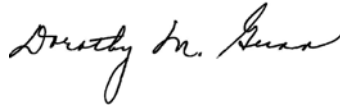
The Board directs that this matter proceed to hearing as expeditiously as practicable. The Agency must investigate the petition for variance and submit its recommendation within 45 days of the November 8, 2004 filing of the complete petition, by December 23, 2004, or at least 30 days prior to the date of hearing, whichever is earlier. *See* 35 Ill. Adm. Code 104.206 (2002). The petitioners will then be allowed 14 days after the date the Agency recommendation is filed to respond to the recommendation. *See* 35 Ill. Adm. Code 104.220 (2002).

The assigned hearing officer must set the matter for hearing in accordance with the requirements of the Environmental Protection Act and the Board's procedural rules. It is the responsibility of the hearing officer to guide the parties toward prompt resolution of this matter,

through whatever status calls and hearing officer orders he determines are necessary and appropriate. Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/38(a) (2002)), which only the petitioners may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, the petitioners “may deem the request granted.” 415 ILCS 5/38(a) (2002). Currently, the decision deadline is March 8, 2005 (the 120th day after November 8, 2004). *See* 35 Ill. Adm. Code 104.232. The Board meeting immediately before the decision deadline is scheduled for March 3, 2005.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 18, 2004, by a vote of 5-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board