

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

UNITED STATES STEEL CORPORATION	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 24-77
	)	(Permit Appeal – Air)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
Respondent.	)	

**NOTICE OF FILING**

TO: Mr. Don A. Brown  
 Clerk of the Board  
 Illinois Pollution Control Board  
 60 East Van Buren Street, Suite 630  
 Chicago, Illinois 60605  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

Carol Webb  
 Hearing Officer  
 Illinois Pollution Control Board  
 1021 North Grand Avenue  
 PO Box 19274  
 Springfield, Illinois 62794-9274  
[Carol.Webb@Illinois.gov](mailto:Carol.Webb@Illinois.gov)

(VIA ELECTRONIC MAIL)

(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board **UNITED STATES STEEL’S RESPONSE TO MOTION OF AMERICAN BOTTOM CONSERVANCY TO INTERVENE**, copies of which are hereby served upon you.

Respectfully submitted,  
 UNITED STATES STEEL CORPORATION,

July 19, 2024

By: /s/ Michael P. Murphy  
 One of Its Attorneys

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 Melissa S. Brown  
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**CERTIFICATE OF SERVICE**

I, the undersigned, on oath state the following: That I have served the attached, **United States Steel's Response to Motion of American Bottom Conservancy to Intervene**, via electronic mail upon:

Mr. Don A. Brown  
Clerk of the Board  
Illinois Pollution Control Board  
60 East Van Buren Street, Suite 630  
Chicago, Illinois 60605  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

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That my email address is [Michael.Murphy@heplerbroom.com](mailto:Michael.Murphy@heplerbroom.com)

That the number of pages in the email transmission is 5.

That the email transmission took place before 4:30 p.m. on July 19, 2024.

Date: July 19, 2024

/s/ Michael P. Murphy  
Michael Murphy

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v.	)	PCB No. 24-77
	)	(Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	
	)	

**RESPONSE TO MOTION OF AMERICAN BOTTOM  
CONSERVANCY TO INTERVENE**

NOW COMES Petitioner, UNITED STATES STEEL CORPORATION (“Petitioner”), by and through its attorneys, HEPLERBROOM, LLC, and for its Response to Motion of American Bottom Conservancy to Intervene (“Motion”), states as follows:

1. On June 12, 2024, Petitioner filed a Petition for Review (“Petition”) of the Illinois Environmental Protection Agency’s (“Illinois EPA”) Denial of Petitioner’s Application for Revision of Its Construction Permit/Prevention of Significant Deterioration (“PSD”) Permit with Integrated Processing (hereinafter “Permit”) issued on May 8, 2024 by Illinois EPA for Petitioner’s integrated steel mill plant located in Granite City, Illinois.
2. On June 20, 2024, the Board accepted the Petition for hearing.
3. On July 8, 2024, American Bottom Conservancy (“ABC”) filed its Motion seeking to intervene in this permit appeal.
4. Prior to filing the Motion, counsel for ABC contacted counsel for Petitioner to inquire about Petitioner’s position regarding ABC’s request to intervene.
5. Counsel for Petitioner responded that Petitioner would take a position on

intervention consistent with its position in prior permit appeals, specifically, that Petitioner would not oppose intervention by ABC but would request the Board to place certain limits on the intervenor as is allowed by regulation and has been ordered by the Board in the prior permit appeals.

6. In paragraph 15 of the Motion, ABC inadvertently identified Petitioner's position on intervention as that of Illinois EPA and indicated that Petitioner had not responded when, in fact, counsel for Petitioner had responded as described above and Illinois EPA had not communicated its position on intervention. ABC's counsel later acknowledged this error by email and Illinois EPA discussed it in its response filed on July 12, 2024. In its response, Illinois EPA takes the same position as Petitioner.

7. Accordingly, consistent with Petitioner's prior position and prior rulings of the Board, Petitioner does not oppose intervention by ABC but respectfully requests the Board, if it allows intervention, to order that "ABC is bound by Board and hearing officer orders already issued or by evidence already admitted; ABC does not control any decision deadline; and ABC cannot raise issues that were not raised or might more properly have been raised at an earlier stage in the proceeding." *United States Steel Corporation v. Illinois EPA*, 2013-53, Order of the Board (November 21, 2013), p. 5. (citing 35 Ill. Adm. Code 101.402(e)).

8. Petitioner's statements in this response and its lack of objection to ABC's Motion should not be considered agreement by Petitioner with the statements made by ABC in its Motion. Petitioner does not address the merits or accuracy of ABC's statements, makes no response to those statements at this time, and reserves all rights in this matter.

WHEREFORE, Petitioner, UNITED STATES STEEL CORPORATION, prays that the Illinois Pollution Control Board limit participation of ABC as an intervenor in this matter if the Board allows intervention.

Respectfully submitted,

UNITED STATES STEEL CORPORATION,  
Petitioner,

Dated: July 19, 2024

By: /s/ Michael P. Murphy  
Michael P. Murphy

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