

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

THE PREMCOR REFINING)	
GROUP, INC.,)	
)	
Petitioner,)	
)	PCB No. 07-030
v.)	(CAAPP Permit Appeal)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Carol Webb
Hearing Officer
600 S. Second Street
Suite 402
Springfield, Illinois 62704

Katherine D. Hodge and Monica T. Rios
Hodge Dwyer Zeman
3150 Roland Avenue
P.O. Box 5776
Springfield, Illinois 62705-5776

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board a **RESPONSE TO PETITIONER'S MOTION FOR LEAVE TO FILE AMENDED PETITION FOR REVIEW** of the Respondent, Illinois Environmental Protection Agency, a copy of which is herewith served upon the assigned Hearing Officer and the attorneys for the Petitioner.

Respectfully submitted by,

/s/ Robb H. Layman

Robb H. Layman
Assistant Counsel

Dated: January 9, 2007
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 524-9137

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Petitioner,)	
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**RESPONSE TO PETITIONER’S MOTION
FOR LEAVE TO FILE AMENDED PETITION FOR REVIEW**

NOW COMES the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), by and through its attorney, and, pursuant to 35 Ill. Adm. Code 101.500(d), and files this Response to the Motion for Leave to File Amended Petition for Review filed by the Petitioner, THE PREMCOR REFINING GROUP, INC., (hereinafter “Premcor”) in the above-captioned matter.

1. The Illinois EPA issued a Clean Air Act Permit Program (“CAAPP”) permit and Title I permit to Premcor on September 19, 2006, authorizing the operation of a Marine Terminal facility located at 201 East Hawthorne, Hartford, Madison County, Illinois.
2. On or about October 24, 2006, Premcor’s attorneys filed a four-page Petition for Review with the Board challenging the Illinois EPA’s September 14, 2006 CAAPP permitting decision.
3. The Illinois EPA was served with a copy of the Petition on October 25, 2006. Thereafter, the Illinois EPA challenged the adequacy of the Petition by filing a Motion to Dismiss with the Pollution Control Board. The thrust of the Illinois EPA’s

position rested upon the belief that a petition for review should contain, with some degree of specificity, the identity of the challenged permit conditions.

4. Petitioner filed its Motion for Leave to File Amended Petition for Review, together with an Amended Petition for Review, with the Board on or about December 22, 2006.

5. The Illinois EPA received service of the aforementioned Motion and the Amended Petition on December 26, 2006.

6. At this time, the Illinois EPA does not object to Petitioner's Motion for Leave to File an Amended Petition for Review with the Board. Indeed, the Illinois EPA's earlier Motion sought, as alternative relief to dismissal, an amended petition that identified the specific permit conditions challenged on appeal.

7. However, a cursory review of the Amended Petition reveals a potential basis for objection by the Illinois EPA that is unrelated to the issue raised in the Illinois EPA's earlier Motion regarding petition content. Specifically, this new concern relates to the inclusion of matters in the Amended Petition that were not initially raised by Petitioner in the public comment process or identified in the scope of the original Petition for Review. The Illinois EPA expects to exercise its right to object to the sufficiency of the Amended Petition, as authorized pursuant to 35 Ill. Adm. Code 101.506, following the Board's final action on the Petitioner's Motion for Leave to File its Amended Petition for Review.

WHEREFORE, the Illinois EPA respectfully informs the Board that no objection is given to the Petitioner's Motion for Leave to File Amended Petition and, further, that any possible objections by the Illinois EPA as to the underlying Amended Petition will be either tendered or waived in accordance with the Board's procedural requirements.

Respectfully submitted by,

/s/ Robb H. Layman

Robb H. Layman
Assistant Counsel

Dated: January 9, 2007
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of January, 2007, I did send, by electronic mail, the following instrument entitled **RESPONSE TO PETITIONER'S MOTION FOR LEAVE TO FILE AMENDED PETITION FOR REVIEW** to:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

and, that on the following day of January 10, 2007, I did send a true and correct copy of the same foregoing instruments, by First Class Mail with postage thereon fully paid and deposited into the possession of the United States Postal Service, to:

Carol Webb
Hearing Officer
600 S. Second Street
Suite 402
Springfield, Illinois 62704

Katherine D. Hodge and Monica T. Rios
Hodge Dwyer Zeman
3150 Roland Avenue
P.O. Box 5776
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