

JAN 29 2007

STATE OF ILLINOIS
Pollution Control Board

THE PREMCOR REFINING)
GROUP INC.,)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB 2007-030
(CAAPP Permit Appeal)

NOTICE OF FILING

TO: Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
(VIA FIRST CLASS MAIL)

Carol Webb, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Post Office Box 19274
Springfield, Illinois 62794-9274
(VIA FIRST CLASS MAIL)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies each of the **AGREED MOTION TO SUPPLEMENT ADMINISTRATIVE RECORD**, copies of which are herewith served upon you.

Respectfully submitted,

THE PREMCOR REFINING GROUP INC.,
Petitioner,

Dated: January 26, 2007

By Monica T. Rios
One of Its Attorneys

Katherine D. Hodge
Monica T. Rios
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

CERTIFICATE OF SERVICE

I, Monica T. Rios, the undersigned, certify that I have served the attached

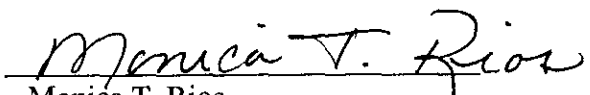
AGREED MOTION TO SUPPLEMENT ADMINISTRATIVE RECORD upon:

Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Carol Webb, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Post Office Box 19274
Springfield, Illinois 62794-9274

Robb H. Layman, Esq.
Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

by depositing said documents in the United States Mail in Springfield, Illinois, postage prepaid, on January 26, 2007.



Monica T. Rios

RECEIVED
CLERK'S OFFICE

JAN 29 2007

STATE OF ILLINOIS
Pollution Control Board

THE PREMCOR REFINING)
GROUP INC.,)
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PROTECTION AGENCY)
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Respondent.)

PCB 2007-030
(CAAPP Permit Appeal)

AGREED MOTION TO SUPPLEMENT ADMINISTRATIVE RECORD

NOW COMES Petitioner, THE PREMCOR REFINING GROUP INC. (hereinafter "Petitioner"), by and through its attorneys, HODGE DWYER ZEMAN, pursuant to 35 Ill. Adm. Code §§ 101.508 and 105.212, and for its Agreed Motion to Supplement Administrative Record, states as follows:

1. During the time that elapsed between the issuance of the initial draft Clean Air Act Permit Program ("CAAPP") permit for the public comment period (May 2004) and the submission of a subsequent draft permit (August 2006) to the United States Environmental Protection Agency ("USEPA") for review, Premcor applied for, and received, several construction permits for its facility located in Hartford, Illinois ("Hartford Terminal"). Construction permit #04070052 allowed for the storage and loading of ethanol and toluene at the terminal; permit #05030053 allowed for the installation of 19 Lube Cube containers; and permit #050120034 allowed for the installation of an on-site Soil Vapor Extraction system. In addition, in October 2005, Premcor notified the Illinois Environmental Protection Agency ("Illinois EPA") of a change in Responsible Official at the Hartford Terminal.

2. On September 19, 2006, the Illinois EPA granted a final CAAPP permit for the Hartford Terminal. The Illinois EPA failed to make certain changes to the CAAPP permit, as requested by Premcor prior to September 19, 2006.

3. On October 24, 2006, Premcor filed its Petition for Review (“Petition”) of the CAAPP permit based on the fact that the Respondent failed to incorporate comments submitted by Premcor into the final CAAPP permit and, as such, the CAAPP permit does not reflect the current applicable requirements or the current operation of the Hartford Terminal.

4. On November 27, 2006, the Respondent filed a Motion to Dismiss the Petition (“Motion”) arguing that the Petition failed “to provide adequate specificity to apprise either the Board or the Illinois EPA of the subject matter of the appeal.” Motion to Dismiss ¶5 (requesting the Board dismiss Premcor’s Petition or, in the alternative, require the filing of an amended petition.)

5. On December 7, 2006, the Illinois EPA filed the Administrative Record with the Board.

6. On December 22, 2006, Premcor filed a Motion for Leave to File an Amended Petition for Review and requested that the Amended Petition attached to that Motion be deemed filed.

7. Premcor’s Amended Petition references several documents which are relevant to Premcor’s appeal of the CAAPP permit conditions discussed more fully in the Amended Petition.

8. During its review of the Administrative Record, Premcor discovered that several of those documents should have been included in, but were omitted from, the

Administrative Record. Therefore, Premcor is filing this Agreed Motion to Supplement Administrative Record, in order to add these documents to the Administrative Record.

9. The documents that Premcor seeks to have included in the Administrative Record consist of the following:

- Construction Permit #04070052 issued September 29, 2004, regarding the storage and barge loading of ethanol and toluene, attached hereto as Exhibit A, Bates stamped 1226-1231 (*see also* Exhibit F of the Amended Petition);
- Construction Permit #05030053 issued June 6, 2005, regarding the installation of 19 Lube Cube containers, attached hereto as Exhibit B, Bates stamped 1232-1233 (*see also* Exhibit G of the Amended Petition); and,
- A letter dated October 25, 2005, notifying the Illinois EPA of the Change in Responsible Official and confirmation of delivery of such letter to Illinois EPA, attached hereto as Exhibit C, Bates stamped 1234-1235 (*see also* Exhibit J of the Amended Petition).

10. These permits constitute information that Premcor understands the Agency relied upon in making its final decision regarding the terms of the CAAPP permit, as reflected by the terms of the CAAPP permit. *See* 35 Ill. Adm. Code § 105.212(b)(5). In addition, the letter notifying the Illinois EPA of the change in responsible official is correspondence with the Agency related to the permit. *See* 35 Ill. Adm. Code § 105.212.(b)(2).

11. Because the Administrative Record is incomplete, Premcor requests that it be supplemented with the exhibits attached hereto, in order to make available to the Board all documents relevant to this matter. For continuity in the Administrative Record, the attached exhibits have been consecutively numbered with the documents filed as the Administrative Record by the Illinois EPA.

12. Premcor's counsel has conferred with Respondent's counsel regarding this Motion, and Respondent has no objection to supplementing the Administrative Record with the attached exhibits.

WHEREFORE Petitioner, THE PREMCOR REFINING GROUP INC., for the above stated reasons, respectfully prays that the Board grant this Agreed Motion to Supplement the Administrative Record, and that the Board award THE PREMCOR REFINING GROUP INC. all other relief just and proper in the premises.

Respectfully submitted,

THE PREMCOR REFINING GROUP INC.,
Petitioner,

By: Monica T. Rios
Monica T. Rios

Dated: January 26, 2007

Katherine D. Hodge
Monica T. Rios
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

PREM-013\Filings\Motion to Supplement Administrative Record



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1 of 6

P.O. Box 19506, SPRINGFIELD, ILLINOIS 62794-9506

RENEE CIPRIANO, DIRECTOR

217/782-2113

CONSTRUCTION PERMIT

FILE NUMBER 170.05.47.01

RETAIN IN FILE UNTIL _____

PERMITTEE

The Premcor Refining Group, Inc.
Attn: Becky Malloy
201 East Hawthorne
Hartford, Illinois 62048

Application No.: 04070052

I.D. No.: 119050AAA

Applicant's Designation:

Date Received: July 19, 2004

Subject: Storage and Barge Loading of Ethanol and Toluene

Date Issued: September 29, 2004

Location: 201 East Hawthorne, Hartford

Permit is hereby granted to the above-designated Permittee to CONSTRUCT emission source(s) and/or air pollution control equipment consisting of a project for the storage and barge loading of ethanol and toluene, as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

- 1a. i. This permit authorizes the Permittee to store ethanol in the following existing floating roof tanks: 120-1, 120-2, 120-3, 120-4, 120-5, 120-8, 80-4, 80-5, 80-11, 20-8, 10-20, 5-10, 120-9, 10-5, 10-7, 10-10, and T-72.
- ii. This permit authorizes the Permittee to store toluene in any two existing floating roof tanks.

Note: The Permittee may continue to store other materials such as gasoline as authorized by the source's operating permit(s).

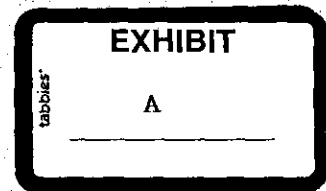
- b. The Permittee shall operate and maintain tanks storing ethanol and toluene, including associated control features in accordance with good air pollution control practice to minimize emissions.
- c. This permit is issued based upon no increase in emissions of volatile organic material (VOM) from the storage of ethanol or toluene, as the vapor pressures of ethanol and toluene are less than the vapor pressure of gasoline, which is currently stored in the tanks.
- d. Operation of the storage facility shall not exceed a toluene throughput of 300,000 barrels/month and 3,000,000 barrels/year.
- 2a. This permit authorizes the Permittee to load ethanol and toluene at the river dock.

Note: The Permittee may continue to load other materials such as gasoline at the river dock as authorized by the source's operating permit(s).

001226

ROD R. BLAGOJEVICH, GOVERNOR

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- b. The river dock vapor transfer/flare system shall be operated to control VOM emissions from loading of ethanol and toluene at all times that these materials are being loaded at the river dock.
- c. Operation of the river dock shall not exceed the following limits:

<u>Material</u>	<u>Throughput</u>	
	<u>(Barrels/Mo)</u>	<u>(Barrels/Yr)</u>
Ethanol	150,000	1,500,000
Toluene	300,000	3,000,000

- d. Emissions attributable to the loading of ethanol and toluene shall not exceed the following limits:

<u>Pollutant</u>	<u>Emissions</u>	
	<u>(Tons/Mo)</u>	<u>(Tons/Yr)</u>
VOM	0.1	0.98

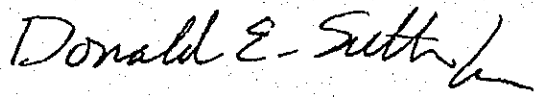
- 3. The Permittee shall maintain the following records:
 - a. Properties of the ethanol and toluene materials handled at the facility, as needed to calculate VOM emissions from handling such materials with supporting documentation.
 - b. Identification and throughput (barrels/month) for each type of material stored in each tank;
 - c. Identification and throughput (barrels/month) of each material loaded at the river dock;
 - d.
 - i. VOM emissions from the storage of ethanol and toluene (tons/month and tons/year), with supporting calculations.
 - ii. VOM emissions from the loading of ethanol and toluene (tons/month and tons/year), with supporting calculations.
- 4. All records and logs required by this permit shall be retained at a readily accessible location at the source for at least three years from the date of entry and shall be made available for inspection and copying by the Illinois EPA upon request. Any records retained in an electronic format (e.g., computer) shall be capable of being retrieved and printed on paper during normal source office hours so as to be able to respond to an Illinois EPA request for records during the course of a source inspection.
- 5. If there is an exceedance of the requirements of this permit as determined by the records required by this permit, the Permittee shall submit a report to the Illinois EPA within 30 days after the exceedance. The report shall include the emissions released in accordance with the recordkeeping requirements, a copy of the relevant

records, and a description of the exceedance or violation and efforts to reduce emissions and future occurrences.

- 6. The Permittee may operate the affected emission units as provided above under this permit until final action is taken on the Clean Air Act Permit Program (CAAPP) application for this source.

Please note that this permit does not establish limits on emissions of hazardous air pollutants (HAPs) from this modification and does not address whether the source currently is a major source of HAPs or will become a major source of HAPs as a consequence of this modification.

If you have any questions on this, please call Jason Schnepf at 217/782-2113.



Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:JMS:psj

cc: Region 3



STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF AIR POLLUTION CONTROL
P. O. BOX 19506
SPRINGFIELD, ILLINOIS 62794-9506

4 of 6

**STANDARD CONDITIONS FOR CONSTRUCTION/DEVELOPMENT PERMITS
ISSUED BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

July 1, 1985

The Illinois Environmental Protection Act (Illinois Revised Statutes, Chapter 111-1/2, Section 1039) authorizes the Environmental Protection Agency to impose conditions on permits which it issues.

The following conditions are applicable unless superseded by special condition(s).

1. Unless this permit has been extended or it has been voided by a newly issued permit, this permit will expire one year from the date of issuance, unless a continuous program of construction or development on this project has started by such time.
2. The construction or development covered by this permit shall be done in compliance with applicable provisions of the Illinois Environmental Protection Act and Regulations adopted by the Illinois Pollution Control Board.
3. There shall be no deviations from the approved plans and specifications unless a written request for modification, along with plans and specifications as required, shall have been submitted to the Agency and a supplemental written permit issued.
4. The permittee shall allow any duly authorized agent of the Agency upon the presentation of credentials, at reasonable times:
 - a. to enter the permittee's property where actual or potential effluent, emission or noise sources are located or where any activity is to be conducted pursuant to this permit,
 - b. to have access to and to copy any records required to be kept under the terms and conditions of this permit,
 - c. to inspect, including during any hours of operation of equipment constructed or operated under this permit, such equipment and any equipment required to be kept, used, operated, calibrated and maintained under this permit,
 - d. to obtain and remove samples of any discharge or emissions of pollutants, and
 - e. to enter and utilize any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring, or recording any activity, discharge, or emission authorized by this permit.
5. The issuance of this permit:
 - a. shall not be considered as in any manner affecting the title of the premises upon which the permitted facilities are to be located,
 - b. does not release the permittee from any liability for damage to person or property caused by or resulting from the construction, maintenance, or operation of the proposed facilities,
 - c. does not release the permittee from compliance with other applicable statutes and regulations of the United States, of the State of Illinois, or with applicable local laws, ordinances and regulations,
 - d. does not take into consideration or attest to the structural stability of any units or parts of the project, and

- e. in no manner implies or suggests that the Agency (or its officers, agents or employees) assumes any liability, directly or indirectly, for any loss due to damage, installation, maintenance, or operation of the proposed equipment or facility.
- 6. a. Unless a joint construction/operation permit has been issued, a permit for operation shall be obtained from the Agency before the equipment covered by this permit is placed into operation.
b. For purposes of shakedown and testing, unless otherwise specified by a special permit condition, the equipment covered under this permit may be operated for a period not to exceed thirty (30) days.
- 7. The Agency may file a complaint with the Board for modification, suspension or revocation of a permit:
 - a. upon discovery that the permit application contained misrepresentations, misinformation or false statements or that all relevant facts were not disclosed, or
 - b. upon finding that any standard or special conditions have been violated, or
 - c. upon any violations of the Environmental Protection Act or any regulation effective thereunder as a result of the construction or development authorized by this permit.

Directory Environmental Protection Agency Bureau of Air

May 22, 2003

For assistance in preparing a permit application, contact the Permit Section:

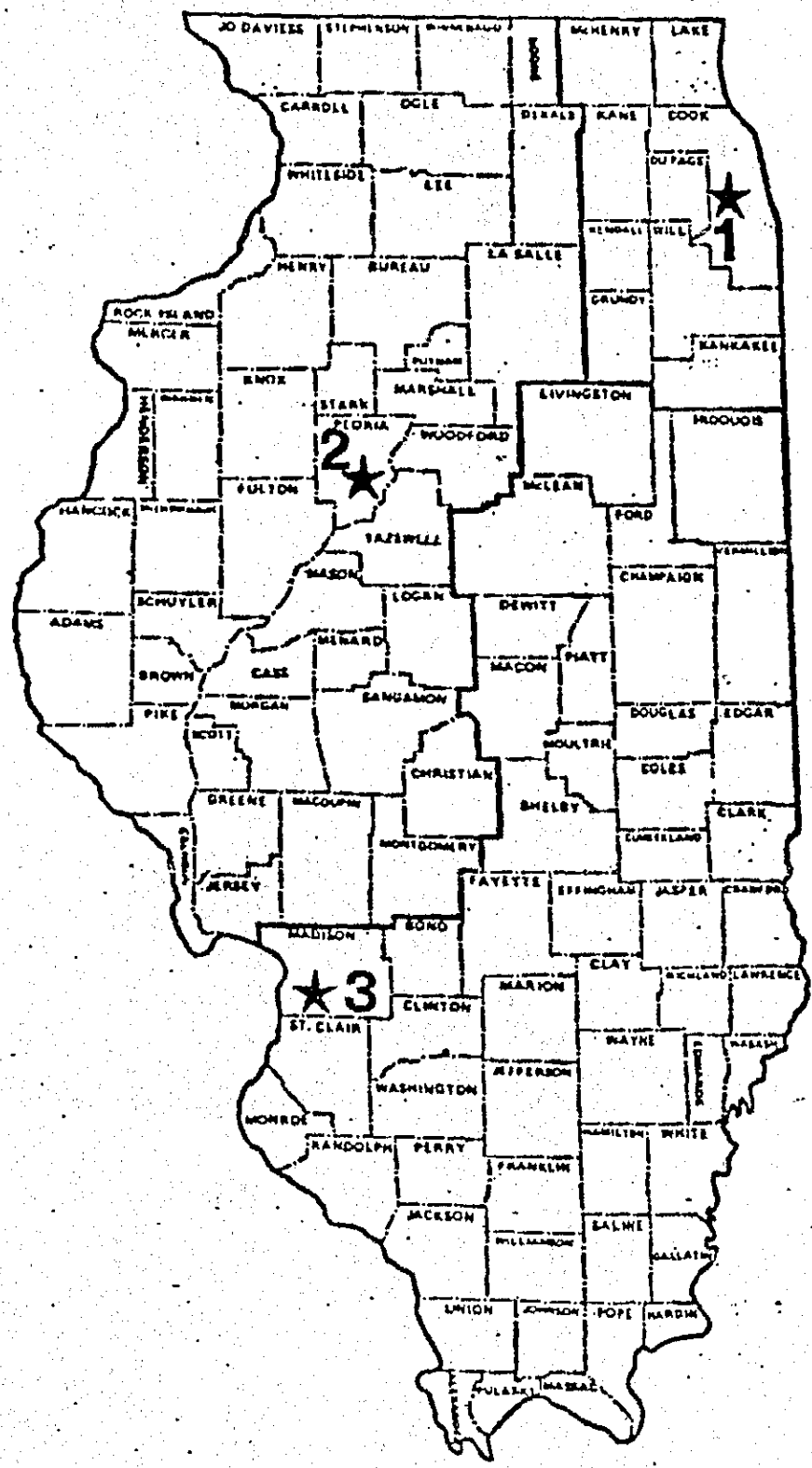
Illinois EPA
Division of Air Pollution Control
Permit Section
2021 N. Grand Ave E.
P.O. Box 19506
Springfield, Illinois 62794-9506
618/782-2113

Or contact a regional office of the Field Operations Section. The regional offices and their areas of responsibility are shown on the map. The addresses and telephone numbers of the regional offices are as follows:

Illinois EPA
Region 1
Bureau of Air, FOS
9511 West Harrison
Des Plaines, Illinois 60016
847/294-4000

Illinois EPA
Region 2
5415 North University
Peoria, Illinois 61614
309/693-5461

Illinois EPA
Region 3
2009 Mall Street
Collinsville, Illinois 62234
618/346-5120





ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

P.O. Box 19506, SPRINGFIELD, ILLINOIS 62794-9506

RENEE CIPRIANO, DIRECTOR

217/782-2113

CONSTRUCTION PERMIT

PERMITTEE

The Premcor Refining Group, Inc.
Attn: Becky Malloy
201 East Hawthorne
Hartford, Illinois 62048

FILE NUMBER 170.01.06

RETAIN IN FILE UNTIL

Application No.: 05030053
Applicant's Designation:
Subject: Lube Cubes
Date Issued: June 6, 2005
Location: 201 East Hawthorne, Hartford

I.D. No.: 119050AAA
Date Received: March 14, 2005

This Permit is hereby granted to the above-designated Permittee to CONSTRUCT emission source(s) and/or air pollution control equipment consisting of nineteen 500-gallon double walled containers (Lube Cubes), as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

- 1. This permit is issued based upon negligible emissions of volatile organic material (VOM) from each lube cube. For this purpose, emissions shall not exceed nominal emission rates of 0.1 lb/hour and 0.18 tons/year.

Note: the lube cubes may be considered an insignificant activity under the CAAPP.

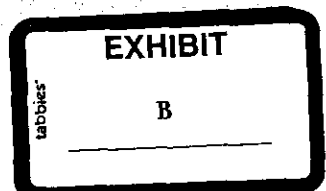
- 2. Pursuant to 35 IAC 219.121(b), no person shall cause or allow the loading of any organic material into any stationary tank having a storage capacity of greater than 946 l (250 gal), unless such tank is equipped with a permanent submerged loading pipe.
3. Pursuant to 35 IAC 219.129(f), the owner or operator of each storage vessel specified in 35 IAC 219.119 shall maintain readily accessible records of the dimension of each storage vessel and an analysis of the capacity of the storage vessel.
4. Emissions from the lube cubes and all other emission units at the source shall not exceed the following limits:

Table with 4 columns: Individual HAPS (Tons/Month), Individual HAPS (Tons/Year), Combination Of All HAPS (Tons/Month), Combination Of All HAPS (Tons/Year). Values: 0.8, 8.0, 2.0, 20.0

- 5. The Permittee shall maintain records of the following items for each emission unit or group of related units that has the potential to emit HAPS to verify that the source is not a major source of HAP emissions.

001232

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- a. Emissions of HAPs (individual and combination of all HAPs) from each emission unit or group of emission units with supporting documentation and example calculations (tons/month and tons/year).
 - b. As an alternative to keeping the above records, the Permittee may keep a demonstration, which shall be kept current, that the maximum emissions of such operations given the maximum level of activity that could as a practical matter, occur at the source, would not exceed the applicable limits in Condition 4.
6. All records and logs required by this permit shall be retained at a readily accessible location at the source for at least five years from the date of entry and shall be made available for inspection and copying by the Illinois EPA upon request. Any records retained in an electronic format (e.g., computer) shall be capable of being retrieved and printed on paper during normal source office hours so as to be able to respond to an Illinois EPA request for records during the course of a source inspection.
 7. If there is an exceedance of the requirements of this permit as determined by the records required by this permit, the Permittee shall submit a report to the Illinois EPA within 30 days after the exceedance. The report shall include the emissions released in accordance with the recordkeeping requirements, a copy of the relevant records, and a description of the exceedance or violation and efforts to reduce emissions and future occurrences.
 8. The Permittee may operate the lube cubes under this construction permit until final action is taken on the Clean Air Act Permit Program (CAAPP) application for this source.

If you have any questions on this, please call Jason Schnepf at 217/782-2113.

Donald E. Sutton

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:JMS:psj

cc: Region 3

001233

October 25, 2005

CERTIFIED MAIL
NO. 7003-2260-0006-6680-0853
RETURN RECEIPT REQUESTED

Mr. Sunil Suthar
Illinois Environmental Protection Agency
Division of Air Pollution Control – Permit Section
1021 North Grand Avenue East
Springfield, IL 62794-9276

Re: Premcor Hartford Distribution Center (IEPA ID 119050AAA)
Notice of Responsible Official Change

Dear Mr. Suthar:

This letter is provided as notification to the Illinois Environmental Protection Agency (IEPA) that the Responsible Official for the Premcor Hartford Distribution Center has changed from Ed Jacoby – Vice President of Wholesale, Marketing and Distribution to Paul Brochu – Vice President of Logistics Operations and Development. To reflect this change, the draft Clean Air Act Permit Program (CAAPP) Operating Permit No. 96030082 should be updated to list Paul Brochu as the Responsible Official. Please note that Premcor Refining Group Inc. was recently acquired by Valero Energy Corporation.

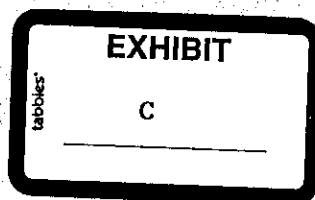
If you have any questions concerning this notification, please call me at (210) 345-4665 or Mr. Tony Schroeder of Trinity Consultants at (630) 574-9400.

Sincerely,



John Tenison

0012004





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JONES