

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

| | | |
|---------------------------------|---|--------------------|
| IN THE MATTER OF: |) | |
| |) | |
| CITGO PETROLEUM CORPORATION and |) | |
| PDV MIDWEST REFINING, L.L.C., |) | |
| |) | PCB 08-33 |
| Petitioners, |) | (Variance - Water) |
| |) | |
| v. |) | |
| |) | |
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |


NOTICE OF FILING

To:

| | |
|---|--|
| Dorothy M. Gunn, Clerk Illinois Pollution Control Board 100 West Randolph, Suite 11-500 Chicago, IL 60601 | Douglas Scott, Director Illinois Environmental Protection Agency 1021 N. Grand Avenue East, P.O. Box 19274 Springfield, IL 62794-9274 |
| Sanjay Sofat, Office of General Counsel Illinois Environmental Protection Agency 1021 N. Grand Avenue East P.O. Box 19274 Springfield, IL 62794-9274 | |

Please take notice that on January 22, 2008, we filed electronically with the Office of the Clerk of the Illinois Pollution Control Board the attached **Motion to Incorporate**, a copy of which is served upon you.

CITGO PETROLEUM CORPORATION and
PDV MIDWEST REFINING, L.L.C.

By: 

One of Its Attorneys

Jeffrey C. Fort
Ariel J. Teshner
Sonnenschein Nath & Rosenthal LLP
7800 Sears Tower
233 S. Wacker Drive
Chicago, IL 60606-6404

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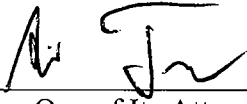
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Motion to Incorporate

On November 14, 2007, CITGO Petroleum Corporation (“CITGO”) and PDV Midwest Refining, L.L.C. (“PDVMR”) (collectively, “Petitioners”) filed a Petition for Extension of Variance (“Petition”) with the Illinois Pollution Control Board (“Board”). On December 20, 2007, the Board issued an order (“Order”) directing Petitioners to file an amended petition providing additional information. In support of Petitioners’ filed response, and in accordance with 35 Ill. Adm. Code 104.210(d)(3), Petitioners file this Motion to Incorporate. Petitioners respectfully request that the Board incorporate into the record in this proceeding any material from the record of the prior variance proceeding, *Citgo Petroleum Corporation and PDV Midwest Refining, L.L.C., v. Illinois Environmental Protection Agency*, PCB 05-85, (Variance -- Water). Petitioners request that the entire record, including the initial petition, all orders, agency recommendations, pre-filed testimony, hearing transcripts, exhibits, and briefs contained in PCB 05-85 be incorporated into this variance proceeding, PCB 08-33.

WHEREFORE, CITGO requests that this Motion to Incorporate be granted.

CITGO PETROLEUM CORPORATION and
PDV MIDWEST REFINING, L.L.C.

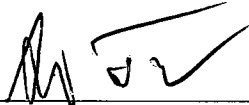
By:  _____
One of Its Attorneys

Dated: January 22, 2008

Jeffrey C. Fort
Ariel J. Tesh
Sonnenschein Nath & Rosenthal LLP
7800 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6404

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that I have served upon the individuals named on the attached Notice of Filing true and correct copies of this **Motion to Incorporate** by First Class Mail, postage prepaid, on January 22, 2008.



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