

OCT 04 2012

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
October 4, 2012

CONOCOPHILLIPS COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 12-101
	)	(Permit Appeal - NPDES)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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**HEARING REPORT**

On October 3, 2012, a hearing in this matter was held in the Madison County Board Room in Edwardsville, Illinois. Attorney David Rieser appeared on behalf of the petitioner. Attorney Rachel Medina appeared on behalf of the respondent.

**Witnesses**

The following witnesses testified at hearing:

- Mr. Jay Churchill
- Mr. Ron Green
- Mr. Mike Bechtol
- Mr. Jeff Allen
- Mr. James Huff
- Mr. Robert Mosher
- Mr. Jaime Rabins

**Preliminary Matters**

As a preliminary matter, the hearing officer accepted the parties agreed motions and stipulations pertaining to dissolved oxygen and Smith Lake. The parties further agreed to file a stipulation on fecal coliform by October 17, 2012.

**Exhibits**

All exhibits offered at hearing were admitted, and are itemized in a list attached to this Hearing Report. Unless otherwise noted, the parties did not object to the admission of exhibits. The following exhibits are part of the administrative record: Petitioner's Exhibits 2, 3, and 4, and Respondent's Exhibits A through H, J and K.

With respect to exhibits not contained in the administrative record, Petitioner's Exhibit 1 was admitted as demonstrative. Petitioner's Exhibits 5 and 6 are written testimony adopted by witnesses Jeff Allen and James Huff as if read into the record. Petitioner's Exhibit 7, admitted over respondent's objection, was offered to refute portions of the record pertaining to economic reasonableness. Respondent's Exhibit I, admitted over petitioner's objection, was used to explain part of Mr. Mosher's testimony.

**Briefing Schedule**

Petitioner's brief is due by November 15, 2012, respondent's brief is due by December 17, 2012, and petitioner's reply is due by December 28, 2012. The mailbox rule will not apply, and documents filed electronically are due by 4:30 p.m. on the due date.

IT IS SO ORDERED.



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Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/524-8509  
webbc@ipcb.state.il.us

**PCB 12-101**  
**October 3, 2012 Hearing**

**Exhibit List**

Exhibit	Description	Status
Petitioner's Exhibit #1	Wood River Refinery Diagram	Admitted
Petitioner's Exhibit #2	Wood River Refinery Mercury Compliance Summary dated November 13, 2008	Admitted
Petitioner's Exhibit #3	Letter to Sanjay Sofat from David Reiser dated April 29, 2011	Admitted
Petitioner's Exhibit #4	Letter to Sanjay Sofat from David Reiser dated July 20, 2011	Admitted
Petitioner's Exhibit #5	Written Testimony of Jeffrey Allen	Admitted
Petitioner's Exhibit #6	Written testimony of James Huff, including a bound document entitled <u>Antidegradation Analysis for the Proposed NPDES Modification of the ConocoPhillips Wood River Refinery</u>	Admitted
Petitioner's Exhibit #7	Technologies for Control and Measurement of Mercury Emissions from Coal-Fired Power Plants in the United States: A 2010 Status Report	Admitted
Respondent's Exhibit A	Memorandum from Bob Mosher to Jaime Rabins dated June 12, 2008	Admitted
Respondent's Exhibit B	Email from Deborah Williams dated July 22, 2011, and attached Attorney Work Product Draft from Deborah Williams to Sanjay Sofat dated July 22, 2011	Admitted
Respondent's Exhibit C	Illustrations from power point presentation	Admitted
Respondent's Exhibit D	Illustrations from power point presentation	Admitted
Respondent's Exhibit E	Attendance sheet and power point presentation for June 29, 2011 meeting	Admitted
Respondent's Exhibit F	Respondent's emails regarding mixing zone	Admitted
Respondent's Exhibit G	Petitioner's Antidegradation Study filed with respondent on August 11, 2008	Admitted
Respondent's Exhibit H	Respondent's metals and mercury data	Admitted

Respondent's Exhibit I	Explanation of Respondent's testimony regarding effects of mercury	Admitted
Respondent's Exhibit J	Jaime Rabin's 30-Day Notice Review Notes dated December 3, 2008	Admitted
Respondent's Exhibit K	Jaime Rabin's 30-Day Notice Review Notes dated November 16, 2011	Admitted

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on October 4, 2012, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on October 4, 2012:

John T. Therriault  
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 Chicago, Illinois 60601

*Carol Webb*

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 Hearing Officer  
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