

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

UNITED STATES STEEL)
CORPORATION, a Delaware corporation,)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB No. 13-62
(Permit Appeal - Air)

NOTICE OF FILING

TO: Mr. John Therriault
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
(VIA ELECTRONIC 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)

(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board a copy of United States Steel Corporation's **MOTION TO EXTEND STAY IN THIS PROCEEDING AND STATUS REPORT**, a copy of which is hereby served upon you.

Respectfully submitted,

UNITED STATES STEEL CORPORATION,
Petitioner,

Dated: December 30, 2015

By: /s/ Katherine D. Hodge
One of Its Attorneys

Katherine D. Hodge
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

CERTIFICATE OF SERVICE

I, Katherine D. Hodge, the undersigned, certify that I have served the attached MOTION TO EXTEND STAY IN THIS PROCEEDING AND STATUS REPORT upon:

Mr. John Therriault
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic mail on December 30, 2015; and upon:

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

Rebecca A. Burlingham, Esq.
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69 W. Washington Street
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Chicago, Illinois 60602

Sally A. Carter, Esq.
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, postage prepaid, in Springfield, Illinois, on December 30, 2015.

/s/ Katherine D. Hodge
Katherine D. Hodge

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MOTION TO EXTEND STAY IN THIS PROCEEDING AND STATUS REPORT

NOW COMES Petitioner, UNITED STATES STEEL CORPORATION (“Petitioner” or “U.S. Steel”), by and through its attorneys, HODGE DWYER & DRIVER, pursuant to 35 Ill. Admin. Code § 101.514 and requests that the Illinois Pollution Control Board (“Board”) grant this Motion to Extend Stay in this Proceeding, and states as follows:

1. On May 6, 2013, Petitioner filed a Petition for Review (“Petition”) of the Construction Permit with Integrated Processing (“Construction Permit”) issued to Petitioner by the Illinois Environmental Protection Agency (“Illinois EPA”) on April 1, 2013, for an emission control system for Petitioner’s basic oxygen process (“BOP”) furnaces at Petitioner’s integrated steel mill plant located in Granite City, Illinois. Petition for Review, *United States Steel Corporation v. Illinois EPA*, PCB 13-62 (Ill.Pol.Control.Bd. May 6, 2013) (hereafter cited as “Petition for Review”). On that same date, Petitioner filed a Motion for Stay of Effectiveness of Contested Conditions. Motion to Stay, PCB No. 13-62 (Ill.Pol.Control.Bd. May 6, 2013). On May 16, 2013, the Board accepted Petitioner’s Petition for hearing. Board Order, PCB No. 13-62 (Ill.Pol.Control.Bd. May 16, 2013). On June 6, 2013, the Board granted U.S. Steel’s Motion for Stay of Effectiveness of Contested Conditions. Board Order, PCB No. 13-62 (Ill.Pol.Control.Bd. June 6, 2013).

2. On February 10, 2015, Petitioner filed a Motion to Stay the Proceeding. Motion to Stay Proceeding, PCB No. 13-62 (Ill.Pol.Control.Bd. Feb. 10, 2015).

3. On July 23, 2015, the Board granted U.S. Steel's Motion to Stay the Proceeding, indicating that "[A]ny motion to stay this appeal beyond that date must be directed to the Board and accompanied by a status report by January 1, 2016." Board Order, PCB No. 13-62 (Ill.Pol.Control.Bd. July 23, 2015).

4. Section 101.514 of the Board's rules requires that requests to stay a proceeding include information detailing why a stay is needed, be accompanied by a waiver of the decision deadline, and include a status report. 35 Ill. Admin. Code § 101.514(a).

5. In its Petition for Review, U.S. Steel explained why emission factors in Part 2 of the Construction Permit are not emission limits. Petition for Review at p. 6. The emission factors at issue originated in the Construction Permit/Prevention of Significant Deterioration ("PSD") Approval No. 95010001 ("PSD Permit") issued to National Steel, the prior owner and operator of the Facility, by Illinois EPA on January 25, 1996 (and subsequently revised and reissued on several occasions).

6. At issue in this matter is whether the emission factors from the PSD Permit, as incorporated into the Construction Permit, are "emission limits." Petition for Review at pp. 2-3, 6-12. As to a report of status, U.S. Steel is continuing to engage in periodic meetings and discussions with Illinois EPA regarding the revision and reissuance of the PSD Permit, in a separate permitting transaction, in order to clarify the uncertainty regarding the meaning of the terms in the PSD Permit. Accordingly, it is necessary to allow additional time for the revision and reissuance of the PSD Permit in order to reach resolution in this matter.

7. At the same time as the filing of this Motion to Stay the Proceeding, U.S. Steel is filing a Notice of Limited Waiver of 120-Day Decision Deadline to accommodate a stay, extending the decision deadline to April 30, 2017.¹

8. Further, granting a stay here would not result in any harm to the parties or the public, as the construction and operation of the new emission control system for U.S. Steel's BOP furnaces has proceeded under the uncontested provisions of the Construction Permit.

9. Thus, U.S. Steel has satisfied the requirements of 35 Ill. Admin. Code § 101.514(a), as it has included information detailing why an extension of the stay in the proceeding is needed, has filed a waiver of the decision deadline, and has included a report of status.

10. Finally, Counsel for Respondent has no objection to the granting of this Motion.

WHEREFORE, U.S. Steel respectfully requests that the Board extend the stay in this proceeding until the PSD Permit has been revised and reissued by Illinois EPA and is fully effective.

Respectfully submitted,

UNITED STATES STEEL CORPORATION,
Petitioner,

Dated: December 30, 2015

By: /s/ Katherine D. Hodge
Katherine D. Hodge

Katherine D. Hodge
HODGE DWYER & DRIVER
3150 Roland Avenue
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¹ U.S. Steel commits to extend the deadline going forward as may be necessary until the PSD Permit is revised and reissued by Illinois EPA. In addition, U.S. Steel commits to updating the Board when the PSD Permit is revised and reissued and is fully effective.