



HODGE • DWYER • ZEMAN

ATTORNEYS AT LAW

KATHERINE D. HODGE
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April 4, 2008

VIA FEDERAL EXPRESS

Ms. Erika Durr
Clerk of the Board
U.S. Environmental Protection Agency
Colorado Building
1341 G Street, NW
Suite 600
Washington, D.C. 20005

RE: PSD Appeal No. 07-02
ConocoPhillips Company
Permit No. 06050052
Our File No. – CNPH:005

Dear Ms. Durr:

Enclosed please find an original and six copies of the RENEWAL OF MOTION FOR EXPEDITED CONSIDERATION for filing on behalf of ConocoPhillips Company in the above-referenced matter. Please note that, at this time, we are providing a copy of the executed Affidavit of Lawrence M. Ziemba; we will submit the original to you early next week. Please file the original of the RENEWAL OF MOTION FOR EXPEDITED CONSIDERATION and return a file-stamped copy to me in the enclosed self-addressed stamped envelope.

Thank you for your assistance. Please feel free to contact me if you have any questions regarding the enclosed.

Sincerely,

Katherine D. Hodge

KDH:lj1

enclosures

pc: Donna H. Carvalho, Esq. (via U.S. Mail; w/enclosures)

CNPH-005\ConocoPhillips Appeal\Clerk Letter -Renewal of Motion for Expedited Consideration

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

IN THE MATTER OF:)
)
CONOCOPHILLIPS COMPANY) **PSD Appeal No. 07-02**
)
PERMIT NO: 06050052)

RENEWAL OF MOTION FOR EXPEDITED CONSIDERATION

Permittee ConocoPhillips Company (“ConocoPhillips”), on behalf of itself as operator of the Wood River Refinery (the “Facility”) and WRB Refining LLC, as owner of the Facility, renews its Motion for Expedited Consideration filed on September 26, 2007 (as supplemented on December 3, 2007), and requests an expeditious order by the Environmental Appeals Board (“Board”) denying review of the PSD permit issued to ConocoPhillips (PSD Appeal No. 07-02) (this “Matter”). In support of this Motion, ConocoPhillips states as follows:

1. ConocoPhillips has been, and continues to be, irreparably harmed by the months of unnecessary delay caused by this appeal, which involves issues not raised in prior proceedings and issues for which review is not warranted. The briefing in this case was completed on November 26, 2007.

2. At this point, every day of delay threatens the viability of this refinery expansion project. At risk is 3.4 million gallons per day of clean-fuel refined products that can be produced as a result of this project. When completed, the incremental production will be of ultra low sulfur diesel fuel and reformulated gasoline, the cleanest burning transportation fuel types sold in the region. The project also further enhances the Facility’s flexibility and therefore reliability to deliver the incremental volumes in times of crude disruption or shortage from traditional sources. Moreover, hundreds of jobs may be lost and several billion dollars will not be invested if this

project is cancelled due to this delay. Exhibit 1 is the Affidavit of Lawrence M. Ziembra attesting to the benefits of this project.

3. Neither the Petitioners nor the Illinois Environmental Protection Agency (“Illinois EPA”) will suffer any hardship due to the expedited consideration of this Matter. In their brief Response to ConocoPhillips’ Supplement to Motion for Expedited Consideration, Petitioners admitted that they do not object to expedited consideration of this Matter and agreed that all issues had been fully briefed. See Response to Supplement at 1.

4. Unlike the case of *In re: Deseret Power Electric Cooperative*, PSD Appeal No. 07-03, this Matter does not present any issue of national significance or first impression before the Board. In fact, during the time of this appeal, and after briefing was completed in this Matter, on January 28, 2008, the Board denied review in the similar case, *Christian County Generation, LLC*, PSD Appeal No. 07-01 (EAB, January 28, 2008) (“*Christian County Generation*”) that included nearly identical facts as in this Matter.

5. ConocoPhillips believes that the record in this Matter demonstrates that Petitioners, like those in *Christian County Generation*, did not raise in their comments that the PSD approval should have included Best Available Control Technology (“BACT”) limits for greenhouse gases. Nor did they argue during the comment period that the Illinois EPA failed to conduct a top-down BACT analysis for carbon monoxide from flares.

6. The public comments relating to greenhouse gases submitted by Petitioners in this Matter are remarkably similar to those submitted by the Sierra Club in *Christian County Generation*, which the Board found unpersuasive. Both sets of comments simply raise the issue of whether the impacts of Carbon Dioxide must be considered during the permitting process. More importantly, in this Matter, the issue is raised only in the context of the state construction

permit rule and no reference to BACT was made. The Illinois EPA squarely addressed this issue in its Responsiveness Summary.

7. These issues are fully briefed in ConocoPhillips' Memorandum in Support of Permittee's Motion to Participate at 20-21, 39-42 and Illinois EPA's Response to Motion at 25-28, 95-99, including responding to Petitioners' assertions that these issues were raised to the Illinois EPA.

8. ConocoPhillips renews its Motion requesting that the Board grant expedited consideration of this Matter and deny review of the PSD approval for all of the reasons addressed herein and previously presented in detail in our pleadings, as well as those of Respondent Illinois EPA.

Respectfully submitted,

ConocoPhillips Company, Permittee

By: Kath D. Hodge
One of Its Attorneys

Dated: April 4, 2008

Katherine D. Hodge
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Counsel for Permittee ConocoPhillips Company

EXHIBIT 1

AFFIDAVIT of Lawrence M. Ziembra-

Lawrence M. Ziembra, being first duly sworn, states as follows:

1. My name is Lawrence M. Ziembra. I am the President of U.S. Refining for ConocoPhillips Company and Vice President of WRB Refining, LLC. My office is located at 600 N. Dairy Ashford, Houston, Texas 77079. I have personal knowledge of the facts about which I hereby testify.
2. ConocoPhillips and WRB Refining LLC have been, and continue to be, irreparably harmed by the many months of unnecessary delay caused by this appeal.
3. Every day of delay prevents the implementation of a project that will lead to the production of an additional 3.4 million gallons per day of ultra low sulfur diesel fuel and reformulated gasoline in the region. The project further enhances the Wood River refinery's flexibility and therefore reliability to deliver the incremental volumes in times of crude disruption or shortage from traditional sources.
4. The delay potentially eliminates and certainly prolongs indefinitely the creation of an average of 1,500 construction jobs and 100 full-time jobs that will be added to the refinery.
5. The viability of any project can be significantly threatened if the project is not completed on time, if equipment costs rise significantly and/or if skilled labor moves to other projects while this one is delayed. The Wood River project is now facing all of these challenges due to this appeal.
6. Every day of continued delay increases the ultimate cost and threatens the economic viability of this multi-billion dollar refinery expansion project. In February 2008, the refinery delayed its maintenance shutdown for a period of approximately four weeks in anticipation of a Board ruling. The delayed shutdown, and each month of additional construction delay increases the project cost by approximately \$10-15 million per month.
7. Certain construction activities planned for the maintenance shutdown were precluded due to the permit delay. As a result, an additional shutdown will now be required to make modifications needed for the project at an estimated additional cost of \$25 million.

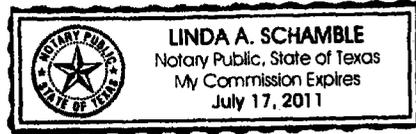


Lawrence M. Ziembra

State of Texas

County of Harris

This Instrument was acknowledged before me on this 4th day of April, 2008,
by Lawrence M. Ziemba



Linda A. Schamble
Notary Public, State of Texas

Name: Linda A. Schamble
Printed

My Commission expires: July 17, 2011

CERTIFICATE OF SERVICE

The undersigned, Katherine D. Hodge, certifies that a copy of the foregoing RENEWAL OF MOTION FOR EXPEDITED CONSIDERATION been served upon:

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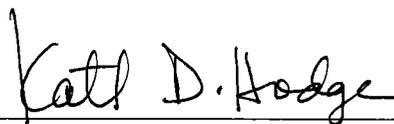
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by depositing said document in the United States Mail, postage prepaid, in Springfield, Illinois
on April 4, 2008.



Katherine D. Hodge