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ENVIR. APPEALS BOARD

April 7, 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 the original of the Affidavit of Lawrence M. Ziemba for filing in the above-referenced matter. Please feel free to contact me if you have any questions regarding the enclosed.

Sincerely,

Katherine D. Hodge

KDH:db
enclosure

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

CNPH-005\ConocoPhillips Appcal\Clerk Letter - Ziemba Affidavit

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