BEFORE THE ILLINOIS POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

MARATHON ASHLAND PETROLEUM, LLC)	
Selective Catalytic Reduction Unit)	
)	
)	PCB 06-102
)	(Tax Certification)
PROPERTY IDENTIFICATION NUMBER)	
51-34-1-21 or portion thereof)	

NOTICE

TO: Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

John S. Swearingen Marathon Ashland Petroleum Refinery Office Building Robinson, Illinois 62454

Steve Santarelli Illinois Department of Revenue 101 West Jefferson P.O. Box 19033 Springfield, Illinois 62794

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Pollution Control Board the <u>MOTION TO WITHDRAW RECOMMENDATION</u> of the Illinois Environmental Protection Agency, a copy of which is herewith served upon the applicant and a representative of the Illinois Department of Revenue.

Respectfully submitted by,	
/s/	
Robb H. Layman	
Assistant Counsel	

Date: January 5, 2006

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276

Telephone: 217/524-9137

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MOTION TO WITHDRAW RECOMMENDATION

NOW COMES the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), through its attorneys, and moves the ILLINOIS POLLUTION CONTROL BOARD ("Board") to withdraw the Illinois EPA's Recommendation previously filed in this proceeding on or about December 13, 2005, and to close the above-referenced docket of this proceeding for want of a justiciable controversy. In support thereof, the Illinois EPA states as follows:

- 1. On December 30, 2004, the Illinois EPA received a request and supporting information from MARATHON ASHLAND PETROLEUM, LLC, ("Marathon") concerning the proposed tax certification of a Selective Catalytic Reduction Unit at its Robinson refinery in Crawford County, Illinois. A copy of the relevant portions of the application was previously referenced as Exhibit A and attached to the Illinois EPA's filing of a formal Recommendation on or about December 13, 2005.
- 2. Following the filing of the Illinois EPA's Recommendation, the undersigned attorney discovered that the December 30, 2004, application acted upon by the Illinois EPA was identical in substance to a prior application for tax certification previously submitted by Marathon on September 4, 2004. The prior application had served as a basis for the Illinois EPA's filing of a formal Recommendation with the

Board on or about December 29, 2004, supporting tax certification for the same Selective Catalytic Reduction Unit. The only differences in content between the original application and the later amended application concerned the project's accounting data.

- 3. The Board approved tax certification of the Selective Catalytic Reduction Unit in a formal Order dated January 6, 2005. *See, Marathon Ashland Petroleum, LLC* (Selective Catalytic Reduction (Property Identification Number 51-34-1-21)) v. Illinois EPA, PCB No. 05-120 (January 6, 2005).
- 4. Because of the project's prior tax certification by the Board, the Illinois EPA's inadvertent filing of the December 13, 2005, Recommendation in this cause is moot.
- 5. Prior to the filing of this Motion, the undersigned counsel spoke with Mr. Dennis Baker, an authorized contact person for Marathon, about this matter. The company's representative confirmed that Marathon had determined that the project had already received tax certification and that, as such, no objection to this Motion would be stated.

ELECTRONIC FILING, RECEIVED, CLERK'S OFFICE, JANUARY 5, 2006

WHEREFORE, the Illinois EPA moves the Board to grant this Motion withdrawing the Recommendation filed on or about December 13 2005, and to close the above-referenced docket of this proceeding.

Respectfully submitted by,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

____/s/___

Robb H. Layman Assistant Counsel

DATED: January 5, 2006

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276

Telephone: 217/524-9137

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of January 2006, I electronically filed the following instruments entitled **MOTION TO WITHDRAW RECOMMENDATION** with:

Dorothy Gunn, Clerk Illinois Pollution Control Board 100 West Randolph Street Suite 11-500 Chicago, Illinois 60601

and, further, that I did send a true and correct copy of the same foregoing instruments, by First Class Mail with postage thereon fully paid and deposited into the possession of the United States Postal Service, to:

Steve Santarelli Illinois Department of Revenue 101 West Jefferson P.O. Box 19033 Springfield, Illinois 62794 John S. Swearingen Marathon Ashland Petroleum Refinery Office Building Robinson, Illinois 62454

_____/s/___ Robb H. Layman Assistant Counsel