

ILLINOIS POLLUTION CONTROL BOARD  
May 26, 2022

MARATHON PETROLEUM )  
COMPANY, LP )  
 )  
Petitioner, )  
 )  
v. ) PCB 18-49  
 ) (Thermal Demonstration)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

OPINION AND ORDER OF THE BOARD (by B. F. Currie):

Marathon Petroleum Company, LP (Marathon) filed a petition requesting that the Board grant an alternative thermal effluent limitation for discharges from its Crawford County petroleum refinery into Robinson Creek through Outfall 001. On April 7, 2022, the Board granted the requested relief with additional conditions. Marathon now seeks to modify the Opinion and Order to extend the time frame to complete one of the conditions. Today, the Board grants Marathon’s motion to modify.

On May 12, 2022, Marathon filed a motion for modification of the Board’s April 7, 2022, Opinion and Order (Mot.) pursuant to Section 101.520. 35 Ill. Adm. Code 101.520. Marathon says that after it received the Board’s April 7, 2022, Opinion and Order it began the process of contacting consultants to submit proposals to complete the Deformities, Eroded fins, Lesions, and Tumors (DELTs) study. “While Marathon is still in the process of retaining a consultant, based upon initial discussions it has become apparent that additional time is needed to engage a qualified consultant, prepare for and conduct the field and laboratory work for the DELTs study referenced in Paragraph 5 the Board’s Order, and prepare and submit a report as required by the Board.” Mot. at 2. Marathon asks that the Board’s Opinion and Order be modified in two ways. First, Marathon suggests this change to page 57 of the Opinion:

**Board Finding.** The Board finds that the record does not contain adequate information to determine if the synergistic effect of Marathon’s thermal discharge and non-thermal stressors in Robinson Creek is causing an increased incidence of DELTs. Given that the proposed ATEL includes a mixing zone without a zone of passage, the Board will require as a condition to the ATEL that Marathon must conduct a study as suggested by IDNR (7/7/20 IDNR Rep., Attach C) to determine whether Marathon’s thermal discharge is causing an increase incidence of DELTs in fish in the Robinson Creek. This study must be completed by October 7, 2023 ~~within twelve months of the date of this order.~~

Second, Marathon asks that Paragraph 5 of the Order be modified as follows:

5. Marathon must conduct a study as suggested by the IDNR in its July 7, 2020 response to the Board’s questions (see 7/7/20 IDNR Rep., Attach C) to determine whether Marathon’s thermal discharge is causing an increased incidence of deformities, eroded fins, lesions and tumors (DELTs) in the representative important species, including the Bigeye Chub in Robinson Creek. This study must be completed by ~~April~~ October 7, 2023, ~~twelve months from the date of this order~~ and submitted to the Illinois Environmental Protection Agency (IEPA), the Illinois Department of Natural Resources (IDNR) and the Board.

On May 19, 2022, Marathon filed a supplement to its motion (Supp.) to add that “[c]ounsel for Illinois EPA and counsel for IDNR have indicated that Illinois EPA and IDNR have no objection to the Board granting Marathon’s Motion.” Supp. at 1.

The Board finds an extension of six months to complete the DELTs study reasonable and therefore grants Marathon’s motion for modification of the April 7, 2022, Board Order and Opinion. The Board sets forth the modified order below.

### **ORDER**

Under 35 Ill. Adm. Code 106.Subpart K and 35 Ill. Adm. Code 304.141(c), the Board orders that the following alternative thermal effluent limitations apply to the discharge from Marathon Petroleum Company LP’s Robinson Creek Refinery’s (Marathon) Outfall 001 to Robinson Creek:

1. Temperature
  - a. Instead of thermal effluent limitations based on the temperature water quality standards in 35 Ill. Adm. Code 302.211(e), the following daily maximum temperature effluent limitations apply:

<b>Month</b>	<b>Daily Maximum Temperature (°F)</b>	<b>Daily Maximum Temperature (°C)</b>
January	65	18.3
February	65	18.3
March	74	23.3
April	82	27.8
May	88	31.1
June	90	32.2
July	90	32.2
August	90	32.2
September	90	32.2
October	87	30.6

November	85	29.4
December	74	23.2

- b. Instead of the water temperature requirements of 35 Ill. Adm. Code 302.211(d) and (e), the effluent temperatures must not exceed the daily maximum temperature limitations in paragraph (1)(a) during more than 1% of the hours (87.6 hours) in the 12-month period ending with any month. Moreover, the effluent temperature must never exceed the daily maximum limitations in paragraph 1(a) by more than 3°F (1.7°C).
  - c. The average water temperature for the period starting from June 16 and ending on September 15 must not exceed 87°F (30.6°C).
  - d. For purposes of paragraph (1), Robinson Creek temperatures are temperatures of those portions of the creek essentially similar to and following the same thermal regimes as the temperature of the main flow of the creek
2. **Mixing Zone.** The alternative thermal effluent limitations in paragraphs (1)(a), (1)(b), and (1)(c) apply at the edge of the mixing zone that extends from Marathon Outfall 001 to monitoring location located at a point instream either at the IL Route 1 bridge or upstream and near the IL Route 1 bridge.
  3. **Zone of Passage.** Instead of 35 Ill. Adm. Code 302.102(b)(8), the mixing zone identified in paragraph (2) may include the entire cross-sectional area and volume of flow of the Robinson Creek.
  4. Marathon must seek an Incidental Take Authorization with the Illinois Department of Natural Resources (IDNR) by filing a Conservation Plan for the Bigeye Chub by October 7, 2022, six months from the date of this order.
  5. Marathon must conduct a study as suggested by the IDNR in its July 7, 2020 response to the Board's questions (see 7/7/20 IDNR Rep., Attach C) to determine whether Marathon's thermal discharge is causing an increased incidence of deformities, eroded fins, lesions and tumors (DELTs) in the representative important species, including the Bigeye Chub in Robinson Creek. This study must be completed by October 7, 2023, and submitted to the Illinois Environmental Protection Agency (IEPA), the Illinois Department of Natural Resources (IDNR) and the Board.
  6. The IEPA must expeditiously modify Marathon's NPDES permit for the Robinson Creek Refinery so that it is consistent with this opinion and order.

IT IS SO ORDERED.

Section 41(a) of the Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2020); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

<b>Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court</b>	
<b>Parties</b>	<b>Board</b>
Marathon Petroleum Company, LLC Attn: Melissa S. Brown; HeplerBroom LLC 4340 Acer Grove Drive Springfield, Illinois 62711 <a href="mailto:Melissa.Brown@heplerbroom.com">Melissa.Brown@heplerbroom.com</a>	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601
Illinois Environmental Protection Agency Attn: Sara G. Terranova, Asst. Counsel 1021 N. Grand Ave. E. PO Box 19276 Springfield, Illinois 62794-9276 <a href="mailto:Sara.terranova@illinois.gov">Sara.terranova@illinois.gov</a>	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on May 26, 2022, by a vote of 4-0.



Don A. Brown, Clerk  
 Illinois Pollution Control Board