

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
PETITION OF MARATHON PETROLEUM)	AS 2024 -003
COMPANY LP FOR AN ADJUSTED)	(Adjusted Standard – Air)
STANDARD FROM 35 ILL. ADM. CODE)	
PART 201 AND SECTION 216.361)	

NOTICE OF FILING

TO: Mr. Don A. Brown	Division of Legal Counsel
Clerk of the Board	Illinois Environmental Protection Agency
Illinois Pollution Control Board	1021 North Grand Avenue East
60 E. Van Buren Street,	PO Box 19276
Suite 630	Springfield, Illinois 62794-9276
Chicago, Illinois 60605	epa.dlc@illinois.gov
don.brown@illinois.gov	

VIA ELECTRONIC 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, the **PETITIONER’S MOTION FOR CORRECTION BY INTERLINEATION, OR IN THE ALTERNATIVE, MOTION TO AMEND PETITION** on behalf Marathon Petroleum Company LP, copies of which are hereby served upon you.

Respectfully submitted,

MARATHON PETROLEUM COMPANY LP,

Dated: August 31, 2023

By: /s/ Melissa S. Brown
One of Its Attorneys

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CERTIFICATE OF SERVICE

I, the undersigned, on oath state the following: **PETITIONER'S MOTION FOR CORRECTION BY INTERLINEATION, OR IN THE ALTERNATIVE, MOTION TO AMEND PETITION** that I have served the attached, via electronic mail upon:

Mr. Don A. Brown
Clerk of the Board
Illinois Pollution Control Board
60 E. Van Buren Street
Suite 630
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That my email address is Melissa.Brown@heplerbroom.com

That the number of pages in the email transmission is 15.

That the email transmission took place before 5:00 p.m. on August 31, 2023.

Date: August 31, 2023

/s/ Melissa S. Brown
Melissa S. Brown

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PETITION OF MARATHON PETROLEUM) AS 24-3
COMPANY LP FOR AN ADJUSTED) (Adjusted Standard – Air)
STANDARD FROM 35 ILL. ADM. CODE)
PART 201 AND SECTION 216.361)

**PETITIONER’S MOTION FOR CORRECTION BY INTERLINEATION,
OR IN THE ALTERNATIVE, MOTION TO AMEND PETITION**

Petitioner, Marathon Petroleum Company LP (“Petitioner” or “Marathon”), hereby moves the Illinois Pollution Control Board (“Board”), pursuant to 35 Ill. Adm. Code 101.500 and 735 ILCS 5/2-401(b), to correct certain information in its Petition for an Adjusted Standard by interlineation or, in the alternative, pursuant to 35 Ill. Adm. Code 104.418, to amend its Petition for an Adjusted Standard. In support of this Motion, Marathon states as follows:

Motion for Correction by Interlineation

1. On August 14, 2023, Marathon filed with the Board a Petition for Adjusted Standard. Marathon’s Petition for an Adjusted Standard, AS 24-3 (Aug. 14, 2023). The Petition was docketed as AS 2024-003.

2. In the Petition documents, Marathon inadvertently included a typographical error in the initial references to Petitioner’s name. In the Petition documents, which include the Technical Support Document, Petitioner’s name was stated as “Marathon Petroleum Company, LLC.” However, Petitioner’s name is in fact “Marathon Petroleum Company LP.” Marathon is a Limited Partnership, not a Limited Liability Company.

3. Attached as Exhibit 1 to this Motion is a copy of the results of the “Business Entity Search” on the Illinois Office of the Secretary of State’s website. This page shows that Petitioner’s

name is “Marathon Petroleum Company LP.” The reference to “LLC” instead of “LP” in the Petition documents was an inadvertent typographical error.

4. Throughout the Petition documents, the address of the Marathon refinery that is the subject of the Petition was correctly referenced and the facility was correctly described.

5. As a result of the typographical error, throughout the Adjusted Standard Petition documents, including the Technical Support Document, references to “Marathon Petroleum Company, LLC” should instead be “Marathon Petroleum Company LP.” Further, the case caption of this proceeding on the Board’s docket should be corrected to read as follows: “In the Matter of: Petition of Marathon Petroleum Company LP for an Adjusted Standard from 35 Ill. Adm. Code Part 201 and Section 216.361”. The corrected case caption is reflected in the case caption for this Motion.

6. Pursuant to Section 2-401(b) of the Illinois Code of Civil Procedure, “[m]isnomer of a party is not a ground for dismissal but the name of any party may be corrected at any time, before or after judgment, on motion, upon any terms and proof that the court requires.” 735 ILCS 5/2-401(b). Per Section 101.202 of the Board’s procedural rules, “misnomer” is defined as “a mistake in the name of a properly included party.” 35 Ill. Adm. Code 101.202.

7. The Board has granted motions to correct party or participant names in the past. For example, in *Fred E. Jurcak v. Illinois Environmental Protection Agency*, the Board granted Petitioner’s Motion to Amend correcting the Petitioner’s name from Energy Craft Corporation to Fred E. Jurcak in a permit appeal proceeding. *Fred E. Jurcak v. Illinois Environmental Protection Agency*, PCB 83-134 (Oct. 18, 1983). In granting such motion, the Board also corrected the case docket title and case caption. *Id.*; see also *In the Matter of: Christian County Landfill, Inc.*, PCB

AC 87-14 (Apr. 1, 1987) (granting motion to amend proceeding caption and correcting respondent name).

8. Furthermore, Marathon inadvertently included a typographical error in its proposed adjusted standard language. In the proposed adjusted standard language, in addition to the reference to “LLC” in Marathon’s name, Petitioner inadvertently referenced “carbon dioxide” instead of “carbon monoxide.” Specifically, the proposed Adjusted Standard language included in the Petition was as follows:

1. Pursuant to Section 28.1 of the Environmental Protection Act (“Act”) (415 ILCS 5/28.1), the Board grants Marathon Petroleum Company, LLC (“Marathon”) an adjusted standard from 35 Ill. Adm. Code Part 201 and 216.361, effective _____, 202___. The adjusted standard applies to the emissions of carbon dioxide (“CO”) into the atmosphere from Marathon’s fluid catalytic cracking unit (“FCCU”) in its petroleum refinery located at 100 Marathon Avenue, Robinson, Crawford County, Illinois (“Refinery”).
2. The CO standards in 35 Ill. Adm. Code 216.361 do not apply during periods of startup of the FCCU.
3. During periods of startup, Marathon must comply with the requirements applicable to FCCUs during startup in 40 CFR 63 Subpart UUU Tables 9, 10, 14, and 41 and 40 CFR 63.1565(a)(5), 40 CFR 63.1570(c) and (f), 40 CFR 63.1572(c) and 40 CFR 63.1576(a)(2) and (d).
4. The definition for “catalytic cracking unit” in 40 CFR 63.1579 applies to this adjusted standard. The definition of “startup” in 40 CFR 63.2 applies to this adjusted standard.

Marathon’s Adjusted Standard Petition, AS 24-03 at P-25. Particularly, in Paragraph 1 of the proposed Adjusted Standard language, in addition to the typographical error in Marathon’s name (“LLC” should be “LP”), Marathon inadvertently references “carbon dioxide” instead of “carbon monoxide.”

9. The reference to “carbon dioxide” should instead be “carbon monoxide.” The reference to “carbon dioxide” in Paragraph 1 of the proposed Adjusted Standard language was an inadvertent typographical error.

10. In the proposed Adjusted Standard language, Marathon uses the correct abbreviation for carbon monoxide – “CO” – and also references the correct regulatory standards from which the Adjusted Standard is sought, i.e., 35 Ill. Adm. Code Part 201 and Section 216.361. Section 216.361 contains emission standards for carbon monoxide and does not address carbon dioxide. Additionally, throughout the Petition documents, Marathon correctly references carbon monoxide as well as utilizes the correct abbreviation of “CO” for carbon monoxide.

11. Marathon requests that the typographical errors discussed in this Motion be corrected via interlineation. “Physically, a pleading may be amended by interlineation, by submitting only the proposed changes, or by submitting a new document incorporating the proposed changes.” § 26:1. Amendments to pleadings—In general, 3 Ill. Prac., Civil Procedure Before Trial § 26:1 (2d ed.). Filing of a separate Amended Petition is not needed to correct these typographical errors as the proposed changes are submitted and explained in the paragraph below.

12. Thus, Marathon hereby moves the Board to amend the Adjusted Standard Petition documents by interlineation to correct the typographical errors. As to the references to Marathon’s full name, Marathon requests that the Board change “Marathon Petroleum Company, LLC” to “Marathon Petroleum Company LP” on the following pages of Marathon’s August 14, 2023 filing: NOF-1, COS-1, EOA-1, EOA-2, I-1, P-1, P-25, P-46, TSD-1, and TSD-3. Marathon also requests that the Board correct the caption for this proceeding to reflect “Marathon Petroleum Company LP” instead of “Marathon Petroleum Company, LLC.” Lastly, Marathon moves the Board to amend the Adjusted Standard Petition by interlineation to correct the typographical error in refencing “carbon

dioxide” in the proposed Adjusted Standard language on P-25. Marathon requests that the Board change “carbon dioxide” to “carbon monoxide” in Paragraph 1 of the proposed Adjusted Standard language on page P-25 of the Petition.

Alternative Motion to Amend Petition

13. In the alternative, if the Board does not grant Marathon’s request to correct the typographical errors via interlineation, Marathon moves the Board for leave to file an Amended Petition to correct the typographical errors discussed in this Motion.

14. Pursuant to Section 104.418 of the Board’s adjusted standard rules, “[t]he petitioner may amend its petition at any time.” 35 Ill. Adm. Code 104.418.

15. For the reasons stated in the section above, Marathon alternatively requests leave to file an Amended Petition pursuant to Section 104.418 to correct the typographical errors discussed in this Motion. If leave is granted, Marathon requests seven days from the Board’s Order granting leave to file the Amended Petition.

Notice

16. Whether the typographical errors discussed in this Motion are corrected via interlineation as of the date of the Board’s order or via filing an Amended Petition, neither action should require Marathon to re-notice its Petition.

17. Pursuant to Section 104.418(a), “[i]f the petitioner amends the petition so that the amendment is a substantive change to the requested relief in that it requests additional or alternative relief, petitioner must re-notice the amended petition under Section 104.408.” 35 Ill. Adm. Code 104.418(a); *see In the Matter of: Petition of Royal Fiberglass Pools, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 215.301*, AS 09-4 (Aug. 6, 2009) (accepting petitioner’s amended petition and not requiring re-notice).

18. As discussed throughout this Motion, the changes requested by Marathon are a result of typographical errors. The requested changes are not substantive changes. Marathon is not requesting additional or alternative relief. Instead, Marathon is requesting corrections to references to Marathon's full name as well as a typographical error in the reference to "carbon dioxide" in the proposed Adjusted Standard language.

19. The requested corrections to the proposed Adjusted Standard language should not be deemed as substantive changes. "Marathon Petroleum Company" is referenced in the proposed language, and only the reference to "LLC" must be changed to "LP." The correct facility address is used in the proposed language and provides sufficient notice as to the correct entity and facility that is the subject of the proposed Adjusted Standard. Additionally, while "carbon dioxide" is incorrectly referenced instead of "carbon monoxide," Marathon utilizes the correct abbreviation for carbon monoxide – "CO" – in the proposed Adjusted Standard language. Marathon also references the standard in Section 216.361, which is a carbon monoxide standard. Further, Marathon references "carbon monoxide" and "CO" throughout the Petition and the Technical Support Document. Sufficient notice has been given that the Marathon Robinson refinery is seeking an Adjusted Standard pertaining to carbon monoxide emissions and concerning the existing carbon monoxide standards in Section 216.361. For these reasons, Marathon should not be required to re-notice the Petition after the typographical errors have been corrected.

20. Notice of the Adjusted Standard Petition was published on August 23, 2023 in the Robinson Daily News. *See Exhibit 2* for a copy of the published notice. Simultaneous with this filing, Marathon is filing the required Certificate of Publication pursuant to 35 Ill. Adm. Code 104.410.

21. The published notice noted the typographical error in relation to the entity name of Marathon and stated that Marathon will be filing a motion to correct this typographical error. As to the incorrect reference to “carbon dioxide,” the notice included the proposed Adjusted Standard language as it was stated in the original Adjusted Standard Petition. Section 104.408(b)(5) required Marathon to include in the notice the proposed adjusted standard. 35 Ill. Adm. Code 104.408(b)(5). Because Marathon had not yet moved to correct the reference to “carbon dioxide,” Marathon included the proposed Adjusted Standard language as it was presented in the original Adjusted Standard Petition in order to satisfy the notice requirements.

22. For the reasons discussed in Paragraph 19 above, Marathon should not be required to re-notice or submit an amended notice. The public has been given sufficient notice as to the entity and facility that is the subject of the proposed Adjusted Standard, as well as the type of emissions that are the subject of the proposed Adjusted Standard. An amended notice is not needed because there was not a substantive change to the requested relief. The requested changes do not request additional or alternative relief.

Stay

23. Lastly, correction of the typographical errors discussed in this Motion, whether through interlineation or via filing an Amended Petition, should not affect the application of the automatic stay pursuant to Section 28.1(f) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/28.1(f).

24. As explained in Marathon’s original Adjusted Standard Petition, Section 28.1(f) of the Act applies because Marathon had filed the Petition within 20 days after the effective date of the regulation of general applicability at issue and that regulation implements in whole or part the

requirements of the Clean Air Act. Marathon's Petition for an Adjusted Standard, AS 24-3 at P-11 (Aug. 14, 2023).

25. As explained above, the corrections requested in this Motion are not substantive in nature and do not request additional or alternative relief.

26. Therefore, correcting the Petition by interlineation or via filing an Amended Petition should not affect the stay.

27. Counsel for Marathon has conferred with counsel for the Illinois Environmental Protection Agency ("Illinois EPA") regarding this Motion. Counsel for Illinois EPA stated that Illinois EPA does not intend to file a response to this Motion.

WHEREFORE, for the above and foregoing reasons, Marathon hereby respectfully requests that the Board enter an Order that, effective on the date of the Board's Order, amends the Petition for an Adjusted Standard by interlineation to correct the typographical errors discussed herein. In the alternative, if the Board does not grant the request to amend by interlineation, Marathon respectfully requests that the Board grant Marathon leave to file an Amended Petition for an Adjusted Standard, entering an Order allowing Marathon seven days to file an Amended Petition. Lastly, Marathon respectfully requests that the Board enter an Order ruling that re-notice or an amended notice is not required and that the stay, if confirmed by the Board, is not affected by the amendments requested herein.

Respectfully submitted,

Dated: August 31, 2023

By: /s/ Melissa S. Brown
One of Its Attorneys

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Office of the Secretary of State

ilsos.gov

Business Entity Search

Entity Information

Entity Name	MARATHON PETROLEUM COMPANY LP		
File Number	S025356	File Date	10-06-2010
Status	ACTIVE	As of	09-15-2022
Entity Type	LP/LLLP	Type of LP/LLLP	FOREIGN
Duration	PERPETUAL	Annual Report Filing Date	00/00/0000
Agent Information	C T CORPORATION SYSTEM 208 SO LASALLE ST, SUITE 814 CHICAGO, IL 60604-1101	Agent Change Date	10-06-2010
Designated Office	539 SOUTH MAIN STREET FINDLAY, OH 45840	Jurisdiction	DE

Services and More Information

EXHIBIT 1

Electronic Filing: Received, Clerk's Office 08/31/2023

Choose a tab below to view services available to this business and more information about this business.

Purchase Master Entity Certificate of Good Standing

AFFIDAVIT OF PUBLICATION

Robinson Daily News
302 S Cross St
(618) 544-2101

I, Bailee Liston, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Robinson Daily News, a publication that is a "legal newspaper" as that phrase is defined for the city of Robinson, for the County of Crawford, in the state of Illinois, that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

PUBLICATION DATES:

23 Aug 2023

Notice ID: IIU6sDaGgeTxJLdAhcaQ**Notice Name:** Marathon Adjusted Standard Notice**PUBLICATION FEE:** \$184.92

Under penalties as provided by Illinois law, the undersigned certifies that the statements set forth in this instrument are true and correct.

_____
Agent

on this: 08/23/2023

Notice of Petition by Marathon Petroleum Company LP for an Adjusted Standard before the Illinois Pollution Control Board

On August 14, 2023, Marathon Petroleum Company LP ("Marathon") filed a petition for an adjusted standard (docket number AS 2024-003) with the Illinois Pollution Control Board ("Board"). (Marathon was inadvertently referenced as "Marathon Petroleum Company, LLC" in the petition documents.) Marathon is seeking an adjusted standard for its refinery facility located at 100 Marathon Avenue, Robinson, Illinois 62454 (Crawford County). The mailing address of Marathon Petroleum Company LP is 100 Marathon Avenue, Robinson, Illinois 62454.

The adjusted standard is sought from 35 Ill. Adm. Code Part 201 and 35 Ill. Adm. Code § 216.361 as a result of the Board's recent amendments to Part 201. For the proposed adjusted standard, Marathon is seeking an alternative emission limitation in lieu of the 200 ppm corrected to 50% excess air carbon monoxide ("CO") limitation set forth in 35 Ill. Adm. Code § 216.361 during periods of startup of its fluid catalytic cracking unit ("FCCU"). The Board's recent removal of the startup, malfunction, and breakdown ("SMB") relief provisions from Part 201, in PCB R 23-18, adversely impacts Marathon's ability to comply with the CO standard in Section 216.361 during startup of the FCCU due to the technical infeasibility of the FCCU to meet the standard during periods of startup. The prior SMB provisions effectively authorized higher CO emissions from the FCCU during startup. The Marathon refinery produces petroleum-based fuel products, including gasoline, distillates, propane, anode-grade coke, aromatics, fuel-grade coke, and slurry. The FCCU is the "heart" of the refinery used to process a significant intermediate of crude oil called gasoil. The products of an FCCU are then used in several downstream process units. FCCU

EXHIBIT 2

startups are very complex, complicated events, and the outcome of the startups depend on the original reason the unit was shut down, as well as a multitude of other variables.

Marathon's proposed adjusted standard is as follows:

1. Pursuant to Section 28.1 of the Environmental Protection Act ("Act") (415 ILCS 5/28.1), the Board grants Marathon Petroleum Company, LLC ("Marathon") an adjusted standard from 35 Ill. Adm. Code Part 201 and 216.361, effective _____, 202___. The adjusted standard applies to the emissions of carbon dioxide ("CO") into the atmosphere from Marathon's fluid catalytic cracking unit ("FCCU") in its petroleum refinery located at 100 Marathon Avenue, Robinson, Crawford County, Illinois ("Refinery").

2. The CO standards in 35 Ill. Adm. Code 216.361 do not apply during periods of startup of the FCCU.

3. During periods of startup, Marathon must comply with the requirements applicable to FCCUs during startup in 40 CFR 63 Subpart UUU Tables 9, 10, 14, and 41 and 40 CFR 63.1565(a)(5), 40 CFR 63.1570(c) and (f), 40 CFR 63.1572(c) and 40 CFR 63.1576(a)(2) and (d).

4. The definition for "catalytic cracking unit" in 40 CFR 63.1579 applies to this adjusted standard. The definition of "startup" in 40 CFR 63.2 applies to this adjusted standard.

(Marathon will be moving the Board to correct the typographical error in Marathon's name in the petition documents and referenced in the proposed adjusted standard language above.)

Any person may cause a public hearing to be held in the above-described adjusted standard proceeding by filing a hearing request with the Illinois Pollution Control Board within 21 days after the date of the publication of this notice. The hearing request should indicate the docket number for the

adjusted standard proceeding, as found in this notice. The hearing request must be mailed to the Clerk, Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601, or filed electronically through COOL, located on the Board's website (www.ipcb.state.il.us).