

ILLINOIS POLLUTION CONTROL BOARD
October 5, 2023

IN THE MATTER OF:)
)
PETITION OF EXXONMOBIL OIL) AS 24-1
CORPORATION FOR ADJUSTED) (Adjusted Standard - Air)
STANDARD)

ORDER OF THE BOARD (by J. Van Wie):

On August 14, 2023, ExxonMobil Oil Corporation (ExxonMobil) filed a petition (Pet.) pursuant to Section 28.1 of the Environmental Protection Act (Act) and Section 104.402 of the Board's procedural rules. See 415 ILCS 5/28.1 (2022); 35 Ill. Adm. Code 104.402. ExxonMobil petitions the Board for an adjusted standard from Sections 216.361, 216.103 and 216.104 of the Board's rules. 35 Ill. Adm. Code 216.361, 216.103, 216.104. Specifically, ExxonMobil seeks an adjusted standard from the carbon monoxide emissions standards applicable to ExxonMobil's petroleum and petrochemical processes during periods of startup and hot standby of its fluid catalytic cracking units at its Joliet refinery.

Section 28.1 of the Act and Section 104.408 of the Board's procedural rules require publication of notice of an adjusted standard proceeding in a newspaper of general circulation in the area affected by the petitioner's activity. 415 ILCS 5/28.1(d)(1) (2022); 35 Ill. Adm. Code 104.408(a). Notice must be published within 14 days of filing a petition for an adjusted standard with the Board. 35 Ill. Adm. Code 104.408(a). As required by Section 104.410, ExxonMobil timely filed a certificate of publication of notice of the petition on September 1, 2023. Notice of filing was published on August 26, 2023, in the *Herald News*.

The Board finds that the notice and petition meet the requirements of Section 28.1 of the Act and Section 104.408 of the Board's procedural rules and accepts the petition for adjusted standard. See 415 ILCS 5/28.1 (2022); 35 Ill. Adm. Code 104.408.

Section 104.416(a) of the Board's rules require that the Illinois Environmental Protection Agency (IEPA) file a response including its recommendation concerning the Board's proposed action on this petition within 45 days after the service of the petition. See 35 Ill. Adm. Code 104.416(a). In this case, IEPA has timely filed a motion for stay of the proceedings, or in the alternative, a motion for extension of time to file the recommendation (Mot.). Mot. at 1. On September 18, 2023, ExxonMobil filed a response to IEPA's motion for stay and objects to the request for a stay of this proceeding (ExxonMobil Resp. Mot.). ExxonMobil Resp. Mot. at 1.

The Board's procedural rules require that motions to stay proceedings be accompanied by sufficient information detailing why a stay is needed and a status report detailing the process of the proceeding. See 35 Ill. Adm. Code 101.514. In its motion, IEPA says that a stay is appropriate because, "issuing a stay here will conserve resources and allow participants to focus on [the American Petroleum Institute, or] API's rulemaking proposal first, and this proceeding second (and only if still necessary)." IEPA also notes that on the same day that ExxonMobil

filed its 49-page petition, five other petitions for adjusted standard were also filed with the Board. Mot. at 4. IEPA further argues in favor of granting a stay in this proceeding because “[g]iven the number of petitions received, the time it will take the Illinois EPA to review and consult with USEPA on each, and the [IEPA’s] limited resources, more time is necessary.” *Id.* The rulemaking proposal referred to by IEPA is R 23-18(A), a sub-docket created to explore alternative standards during startup, shutdown, and malfunction. *Id.* at 2.

ExxonMobil argues in its response that, because IEPA has known about the relief requested in R 23-18(A), IEPA has had “plenty of time to form an opinion on and make a recommendation concerning the relief being requested by ExxonMobil.” ExxonMobil Resp. Mot. at 5. ExxonMobil asserts that a stay of 90 days is too long of an extension for the IEPA to file its recommendation in this matter and would not be “necessary, helpful, or appropriate”. *Id.* at 6-7. ExxonMobil did not object to a “short” extension of time for IEPA to file its recommendation. *Id.* at 7. On September 25, 2023, the Board hearing officer granted an extension of time for IEPA to file its recommendation in this matter to October 12, 2023.


The Board agrees with IEPA that a stay of the proceedings is appropriate and will give the IEPA time to review and consult with USEPA on this petition. The Board grants IEPA’s motion to stay the proceedings for 90 days, until December 27, 2023.

The Board’s procedural rules require that at the close of a stay, the parties must file a status report in compliance with Subpart C. 35 Ill. Adm. Code 101.514. Any additional requests for stay of the proceedings must be directed at the hearing officer. *Id.*

This order makes no determination on the informational sufficiency or the merits of ExxonMobil’s petition. The Board through its own orders or its hearing officer’s orders may direct ExxonMobil to provide additional information.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 5, 2023, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board