

**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  
Clerk of the Board  
Illinois Pollution Control Board  
60 E. Van Buren Street, Suite 630  
Chicago, Illinois 60605  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
60 E. Van Buren Street, Suite 630  
Chicago, IL 60605  
[carol.webb@illinois.gov](mailto:carol.webb@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, **STATUS REPORT AND MOTION TO EXTEND STAY OF PROCEEDINGS** on behalf Marathon Petroleum Company LP, copies of which are hereby served upon you.

Respectfully submitted,

MARATHON PETROLEUM COMPANY LP,

Dated: September 19, 2024

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

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**CERTIFICATE OF SERVICE**

I, the undersigned, on oath state the following: **STATUS REPORT AND MOTION TO EXTEND STAY OF PROCEEDINGS**, 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  
Chicago, Illinois 60605  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

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That my email address is [Melissa.Brown@heplerbroom.com](mailto:Melissa.Brown@heplerbroom.com)

That the number of pages in the email transmission is 6.

That the email transmission took place before 5:00 p.m. on September 19, 2024.

Date: September 19, 2023

/s/ Melissa S. Brown  
Melissa S. Brown

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**IN THE MATTER OF:**

<b>PETITION OF MARATHON PETROLEUM</b>	)	
<b>COMPANY LP FOR AN ADJUSTED</b>	)	
<b>STANDARD FROM 35 ILL. ADM. CODE</b>	)	<b>AS 24-3</b>
<b>PART 201 AND SECTION 216.361</b>	)	<b>(Adjusted Standard – Air)</b>

**MARATHON’S STATUS REPORT AND  
MOTION TO EXTEND STAY OF PROCEEDINGS**

Petitioner, MARATHON PETROLEUM COMPANY LP (“Marathon”), by its attorneys, pursuant to 35 Ill. Adm. Code 101.502 and 101.514, hereby submits this Status Report and Motion to Extend Stay of Proceedings (“Motion”) in regard to Marathon’s Petition for an Adjusted Standard. Marathon requests that the Hearing Officer extend the stay in this proceeding until the United States Environmental Protection Agency (“USEPA”) approves the amendments to 35 Ill. Adm. Code 216.103, 216.104, and 216.361, adopted by the Illinois Pollution Control Board (“Board”) in PCB R 23-18(A), as a revision to Illinois’ State Implementation Plan (“SIP”).

**Status Report**

On September 11, 2023, the Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”) filed a Motion for Stay of Proceedings, or in the Alternative, Motion for Extension of Time to File Recommendation while the Board considered the American Petroleum Institute’s (“API”) substantially similar rulemaking proposal in PCB R 23-18(A). Illinois EPA’s Motion for Stay of Proceedings, PCB AS 24-3, at 2 (Sept. 11, 2023). On October 5, 2023, the Board granted the Agency’s Motion for Stay for 90 days, until December 27, 2023. Opinion and Order, PCB AS 24-3, at 2 (Oct. 5, 2023). The Agency filed two subsequent Motions to Extend Stay of Proceeding,

which were granted by the Hearing Officer on January 4 and May 2, 2024. The current extension of the stay ends on September 23, 2024. Hearing Officer Order, PCB AS 24-3 (May 2, 2024).

Since the last Status Report filed on April 16, 2024, the startup, malfunction, and breakdown (“SMB”) sub-docket rulemaking in PCB R 23-18(A) has progressed to a Final Opinion and Order. Following the third public hearing that occurred on April 15, 2024, participants, including API and Illinois EPA, filed post-hearing comments. *See, e.g.*, API and CITGO Petroleum Corporation’s Post-Hearing Comment, P.C. #19, PCB R 23-18(A) (May 13, 2024); Illinois EPA’s Post-Hearing Comments, P.C. #23 (May 22, 2024). On July 11, 2024, the Board moved four of the proposed alternative emission limitations (“AELs”) to Second Notice, including API’s Proposal. Opinion and Order, PCB R 23-18(A), at 136 (July 11, 2024). The Board specifically found that API’s Proposal, in addition to three other proposals, met USEPA’s seven criteria for AELs, was technically feasible and economically reasonable, and does not harm human health or the environment. *Id.* at 96. The Board also identified that Marathon’s response to the Agency’s request for information confirmed that “the [fluid catalytic converter units’ (“FCCU”)] SMB events will not threaten the [carbon monoxide National Ambient Air Quality Standards] at or near the source.” *Id.*

On August 14, 2024, the Joint Committee on Administrative Rules (“JCAR”) issued its Certification of No Objection in PCB R 23-18(A). JCAR Certification of No Objection to Proposed Rulemaking, PCB R 23-18(A) (August 16, 2024). On August 22, 2024, the Board entered its Final Opinion and Order, adopting amendments to 35 Ill. Adm. Code 212, 215, 216, and 217, addressing four of the five proposed AELs, including API’s proposed AEL that covers Marathon’s refinery. Opinion and Order of the Board, PCB R 23-18(A) (August 22, 2024). On September 13, 2024, the final amendments were published in the Illinois Register. 48 Ill. Reg. 13539, 13711 (Sept. 13,

2024). The adopted amendments will be submitted to USEPA for approval as revisions to Illinois' SIP. *See* Illinois EPA's Post-Hearing Comment, P.C. #23, at 7 (May 22, 2024); *see* Testimony of Rory Davis, Third Hearing Transcript, PCB R 23-18(A), at 23: 9-14 (April 15, 2024). Counsel for Marathon has conferred with counsel for the Agency prior to the submittal of this Status Report. As of the date of this Status Report, the amendments adopted in PCB R 23-18(A) have not yet been submitted to USEPA for approval.

Request to Extend Stay

Marathon requests that the Hearing Officer extend the stay in this proceeding until USEPA approves the AELs adopted by the Board in PCB R 23-18(A), specifically, the AEL adopted in Section 216.361(d) (and related amendments in Section 216.103 and 216.104). Allowing this proceeding to remain open, and stayed, allows Marathon to pursue its Petition for Adjusted Standard in the event that USEPA ultimately decides to disapprove the AEL as a revision to Illinois' SIP. In the event that USEPA disapproves the AEL, Marathon would then seek to amend its Petition for Adjusted Standard to correct any deficiencies noted by USEPA and pursue the needed AEL relief via this Adjusted Standard proceeding.

Marathon anticipates that USEPA will approve the AEL adopted by PCB R 23-18(A) based on the Agency's prior statements in PCB R 23-18(A), noting that the Agency was "not aware of any potential issues with USEPA approval." Illinois EPA's Post-Hearing Comment, P.C. #23, PCB R 23-18(A), at 3-4 (May 22, 2024) (citing Testimony of Rory Davis, Third Hearing Transcript, PCB R 23-18(A), at 22 (Apr. 15, 2024)). However, USEPA has not yet made a formal decision on approval and the timeframe in which USEPA will make a decision is unknown.<sup>1</sup> Marathon requests

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<sup>1</sup> In August 2023, following the Board's approval of the amendments removing the SMB provisions from the regulations in PCB R 23-18, the Agency submitted the amendments to USEPA for approval as a SIP revision. Based on discussions with the Agency, as of the date of this filing, USEPA has yet to approve the amendments adopted in PCB R 23-18 as a revision to the Illinois' SIP.

that this Adjusted Standard proceeding remain open and stayed in the event that USEPA's position on approval of the AEL changes in the time it takes for USEPA to make a final decision on approval or disapproval of the amendments as a SIP revision.

Counsel for Marathon has consulted with counsel for the Agency, who has indicated that the Agency does not object to Marathon's request to extend the stay in this proceeding. Due to the indeterminate timing of when USEPA may take final action on approving the adopted AEL, Marathon proposes that it will submit status reports to the Board every six months. Marathon commits to conferring with the Agency ahead of submitting each status report to discuss the status of the Agency's submittal of the AEL to USEPA for approval and USEPA's approval of the AEL. If the Hearing Officer is inclined to not grant a request for an indefinite stay, Marathon, in the alternative, requests that the Hearing Officer extend the stay in this proceeding for an additional six months. At that time, Marathon will submit a status report and may request an extension of the stay for an additional six months, depending on the status of USEPA making a final determination on approval of the AEL.

WHEREFORE, for the reasons set forth above, Marathon Petroleum Company LP respectfully requests that the Hearing Officer grant this Motion to Extend Stay of Proceedings.

Respectfully submitted,

Dated: September 19, 2024

MARATHON PETROLEUM COMPANY LP,

By: /s/ Melissa Brown  
One of its Attorneys

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