

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

Carol Webb
Hearing Officer
Illinois Pollution Control Board
2520 W Iles Avenue
Springfield, Illinois 62704
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** and **NOTICE OF WITHDRAWAL AS COUNSEL ON RECORD** on behalf Marathon Petroleum Company LP, copies of which are hereby served upon you.

Respectfully submitted,

MARATHON PETROLEUM COMPANY LP,

Dated: March 21, 2025

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

Melissa S. Brown
HEPLERBROOM, LLC
4340 Acer Grove Drive
Springfield, Illinois 62711
Melissa.Brown@heplerbroom.com
Phone: (217) 528-3674

CERTIFICATE OF SERVICE

I, the undersigned, on oath state the following: **STATUS REPORT AND MOTION TO EXTEND STAY OF PROCEEDINGS** and **NOTICE OF WITHDRAWAL AS COUNSEL ON RECORD**, 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

Carol Webb
Hearing Officer
Illinois Pollution Control Board
2520 W Iles Avenue
Springfield, Illinois 62704
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Samuel Torrence
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That my email address is Melissa.Brown@heplerbroom.com

That the number of pages in the email transmission is 7.

That this email transmission took place before 5:00 p.m. on March 21, 2025.

Date: March 21, 2025

/s/ Melissa S. Brown
Melissa S. Brown

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
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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)	

**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 alternate emissions limitation (“AEL”) sub-docket rulemaking proposal in PCB R 23-18(A). 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.

On August 22, 2024, the Board entered its Final Opinion and Order in the AEL sub-docket rulemaking PCB R 23-18(A), 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).

Marathon filed a Status Report and Motion to Extend Stay of Proceedings on September 19, 2024, which was granted by the Hearing Officer on September 23, 2024. The current extension of the stay ends on March 24, 2025. Hearing Officer Order, PCB AS 24-3 (Sept. 23, 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. Counsel for the Agency indicated that the Agency anticipates that the draft SIP submittal addressing AELs adopted by the Board in PCB R 23-18(A) will go to public notice within the next couple of months, along with a related anti-backsliding demonstration. Once the public notice period has concluded, the Agency then intends to submit the SIP submittal to USEPA for approval.

Request to Extend Stay

Marathon requests that the Hearing Officer extend the stay in this proceeding by an additional six months to allow time for USEPA to approve 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. Marathon requests 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 requests that the stay in this proceeding be extended by an additional six months and Marathon will continue to 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.

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,

MARATHON PETROLEUM COMPANY LP,

By: /s/ *Melissa Brown*
One of its Attorneys

Dated: March 21, 2025

Melissa Brown
HEPLERBROOM, LLC
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NOTICE OF WITHDRAWAL AS COUNSEL OF RECORD

NOW COMES Melissa S. Brown of the law firm HEPLERBROOM, LLC, and hereby enters the withdrawal of appearance of Andrea Quade as counsel of record in this matter. Please be advised that Melissa Brown with HeplerBroom will remain counsel of record for Marathon Petroleum Company LP.

Respectfully submitted,

Dated: March 21, 2025

By: /s/ Melissa S. Brown

Melissa S. Brown
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