

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

RCRA DELISTING ADJUSTED

STANDARD PETITION OF

EXXONMOBIL OIL CORPORATION

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)

)

AS 2025-001

(Adjusted Standard – Land)

(RCRA Delisting)

NOTICE OF FILING

To: Don Brown, Clerk
Illinois Pollution Control Board
100 West Randolph St., Suite 11-500
Chicago, Illinois 60601
Don.Brown@illinois.gov

Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
60 E. Van Buren Street, Suite 630
Chicago, Illinois 60605
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Michelle M. Ryan, Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
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Please take notice that I have today filed electronically with the Office of the Clerk of the Illinois Pollution Control Board, the attached Response to the Recommendation of the Illinois EPA and Certificate of Service, on behalf of ExxonMobil Oil Corporation, copies of which are herewith served upon you.

Dated: June 17, 2025

Respectfully submitted,

/s/ Eric E. Boyd

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OF COUNSEL:
THOMPSON COBURN LLP

*Attorneys for Petitioner
ExxonMobil Oil Corporation*

CERTIFICATE OF SERVICE

I, the undersigned attorney, certify that I have today filed the documents described above electronically with the Illinois Pollution Control Board and that a true copy was e-mailed on May 20, 2025 to the parties listed in the above Notice of Filing.

Dated: June 17, 2025

Respectfully submitted,

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OF COUNSEL:
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*Attorneys for Petitioner
ExxonMobil Oil Corporation*

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
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RCRA DELISTING ADJUSTED)	AS 2025-001
STANDARD PETITION OF)	(Adjusted Standard – Land)
EXXONMOBIL OIL CORPORATION)	(RCRA Delisting)

RESPONSE TO THE RECOMMENDATION OF THE ILLINOIS EPA

NOW COMES the Petitioner, ExxonMobil Oil Corporation (“Petitioner” or “ExxonMobil”), by and through its undersigned counsel, and pursuant to 35 Ill. Adm. Code 104.416(d), provides this Response to the Recommendation of the Illinois EPA (“Recommendation”) regarding Petitioner’s pending RCRA Delisting Adjusted Standard Petition (“Petition”). In support, Petitioner states the following:

1. Petitioner filed the Petition with the Illinois Pollution Control Board on April 25, 2025.
2. The Illinois EPA filed its Recommendation on June 9, 2025.
3. The Recommendation states that the Petition should be granted subject to certain conditions. Specifically, the Recommendation requests the following modifications to the text of the proposed adjusted standard:
 - a. all quarterly sampling data and any verification data must be submitted to the Illinois EPA;
 - b. notice must be provided to the Illinois EPA within seven (7) days of ExxonMobil’s receipt of any confirmed exceedance of a delisting level; and,
 - c. annual sampling and reporting must be performed for the following sixteen constituents, if they are not already sampled quarterly: acenaphthene, anthracene, benz(a)anthracene, bis(2-ethylhexyl)phthalate, chrysene, di-n-

butyl phthalate, ethylbenzene, fluorene, naphthalene, phenanthrene, phenol, pyrene, toluene, xylenes, cyanides, and nickel.

4. ExxonMobil does not object to the modifications requested in the Recommendation.

5. Attached hereto as **Exhibit A** is a redline version of the proposed adjusted standard language that incorporates all of the changes requested in the Recommendation.¹

6. Attached hereto as **Exhibit B** is a clean version of the same adjusted standard language.

7. As shown in **Exhibits A** and **B**, ExxonMobil has also added one additional phrase to section (b)(1) of the proposed adjusted standard that was not requested in the Recommendation. Specifically, the clause “in each quarter during which the waste is generated” has been added so that the first sentence of section (b)(1) now reads as follows:

ExxonMobil will perform quarterly testing of a composite representative sample of the waste in each quarter during which the waste is generated, for the constituents listed in Table A (below) and hazardous characteristics as defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123, and 721.124.

8. ExxonMobil proposes this additional revision to clarify that quarterly testing is not required in quarters when no waste subject to the adjusted standard is generated.

9. With the changes reflected in **Exhibits A** and **B**, which implement the Illinois EPA’s requested conditions, ExxonMobil respectfully submits that the Board grant the adjusted standard as modified.

¹ The adjusted standard text already identifies chrysene for quarterly sampling. Therefore, as per the Recommendation, chrysene has not been included for annual sampling in the modified adjusted standard text.

WHEREFORE, for the reasons stated above, Petitioner ExxonMobil Oil Corporation respectfully requests that the Illinois Pollution Control Board grant the requested adjusted standard as modified.

Dated: June 17, 2025

Respectfully submitted,

/s/ Eric E. Boyd

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OF COUNSEL:
THOMPSON COBURN LLP

*Attorneys for Petitioner
ExxonMobil Oil Corporation*

Exhibit A

*Exhibit to the Response to the
Recommendation of the Illinois EPA*

**Redline of Modified
Adjusted Standard Text**

Petitioner proposes the following adjusted standard language:

Effective [effective date], waste PTS designated as F037, F038, K048 and K051 generated at the ExxonMobil Oil Corporation petroleum refinery at 25915 S. Frontage Road, Channahon, Illinois (the "Joliet Refinery") shall not be deemed hazardous waste under 35 Ill. Adm. Code Part 721, subject to the following conditions:

- a) Applicability. This adjusted standard is provided only for the waste PTS designated as F037, F038, K048 and K051 generated at the Joliet Refinery's wastewater treatment operations and oil recovery processes, as described in the RCRA Delisting Adjusted Standard Petition, including the Technical Support Document filed therewith on April 25, 2025.
- b) PTS Testing.
 - 1) ExxonMobil will perform quarterly testing of a composite representative sample of the waste in each quarter during which the waste is generated, for the constituents listed in Table A (below) and hazardous characteristics as defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123, and 721.124. If an initial sample concentration is observed above the delisting level, then a verification sample will be collected within 7 days of receipt of the analytical data and reanalyzed for the constituent(s) exhibiting a concentration greater than the delisting level. A confirmed exceedance of the delisting level will be deemed present if both the original and verification sample exhibit concentrations above the delisting level. ExxonMobil must provide notice to the IEPA of a confirmed exceedance within seven (7) business days of receipt of the confirmation.
 - 2) ExxonMobil will perform annual testing of a composite representative sample of the waste for the following constituents: acenaphthene, anthracene, benz(a)anthracene, bi(2-ethyl hexyl)phthalate, di-n-butyl-phthalate, ethylbenzene, flourene, naphthalene, phenanthrene, phenol, pyrene, toluene, xylenes, cyanides, and nickel.
 - ~~2)3)~~ All analyses pursuant to this adjusted standard shall be performed according to SW-846 methodologies incorporated by reference in 35 Ill. Adm. Code 720.111.
 - ~~3)4)~~ The operator shall not transport the waste subject to this adjusted standard outside of the State of Illinois.
- c) Delisting Levels. Based on testing pursuant to the conditions of this adjusted standard, the constituent concentrations in the waste subject to this adjusted standard must not exceed any of the values below in Table A in addition to hazardous characteristics as defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123, and 721.124. Otherwise such waste must be managed and disposed

of as hazardous waste in accordance with 35 Ill. Adm. Code Parts 703 and 722-728. Table A represents the detected hazardous constituents for which PTS designated as F037, F038, K048, and K051 is listed.

<p align="center"><u>Table A</u> Detected Hazardous Constituents for which PTS designated as F037, F038, K048, and K051 is listed</p>	
Constituent	TCLP Delisting Level (mg/l)
Benzo(a)pyrene	34.300
Chromium (III) (Chromic Ion)	4.940
Chromium (VI) (+6)	0.019
Chrysene	9.140
Lead	1.280

d) Notifications, Data Submittals, and Certification.

- 1) At least 30 days prior to transporting the first load of waste pursuant to this adjusted standard, the operator shall provide IEPA with a one-time written notification stating that the operator intends to commence transportation of PTS pursuant to this adjusted standard and the name of the landfill facility to which the PTS will be transported. If the operator changes disposal facilities, it shall provide to IEPA a one-time written notification of such change.
- 2) ExxonMobil must submit ~~semi-annually~~quarterly to the IEPA a report of the data collected pursuant to the testing procedures of section (b)(1) of this adjusted standard. Alternatively, IEPA may consent to receipt of only the summary or a subset of the data or both.
- 3) ExxonMobil must submit annually to the IEPA a report of the data collected pursuant to testing procedures of section (b)(2) of this adjusted standard. Alternatively, IEPA may consent to receipt of only the summary or a subset of the data or both.
- 3)4) _____ All analytical data created pursuant to this adjusted standard shall be compiled and maintained at the Joliet Refinery for a minimum of three years. This data shall be made available for inspection by any representative of the State of Illinois upon request.
- 4)5) _____ All data submittals to the IEPA must be accompanied with the following certification statement:

Under civil and criminal penalty of law for the making or
 submission of false or fraudulent statements or

representations, I certify that the information contained in or accompanying this document is true, accurate, and complete.

As to any identified section of this document for which I cannot personally verify its truth, accuracy, or completeness, I certify, as ExxonMobil Oil Corporation's official having supervisory responsibility for the person(s) who, acting under my direct instructions, made the verification, that this information is true, accurate, and complete.

In the event that any of this information is determined by the Board or a court of law to be false, inaccurate, or incomplete, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by the Board or court and that ExxonMobil Oil Corporation will be liable for any actions taken in contravention of its obligations under RCRA (including its RCRA Part B permit) or the Comprehensive Environmental Response, Compensation and Liability Act or corresponding provisions of the Environmental Protection Act premised upon ExxonMobil Oil Corporation's reliance on the void exclusion.

(Name of certifying person)

(Title of certifying person)

(Date)

Exhibit B

*Exhibit to the Response to the
Recommendation of the Illinois EPA*

**Clean Copy of Modified
Adjusted Standard Text**

Petitioner proposes the following adjusted standard language:

Effective [effective date], waste PTS designated as F037, F038, K048 and K051 generated at the ExxonMobil Oil Corporation petroleum refinery at 25915 S. Frontage Road, Channahon, Illinois (the “Joliet Refinery”) shall not be deemed hazardous waste under 35 Ill. Adm. Code Part 721, subject to the following conditions:

- a) Applicability. This adjusted standard is provided only for the waste PTS designated as F037, F038, K048 and K051 generated at the Joliet Refinery’s wastewater treatment operations and oil recovery processes, as described in the RCRA Delisting Adjusted Standard Petition, including the Technical Support Document filed therewith on April 25, 2025.
- b) PTS Testing.
 - 1) ExxonMobil will perform quarterly testing of a composite representative sample of the waste in each quarter during which the waste is generated, for the constituents listed in Table A (below) and hazardous characteristics as defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123, and 721.124. If an initial sample concentration is observed above the delisting level, then a verification sample will be collected within 7 days of receipt of the analytical data and reanalyzed for the constituent(s) exhibiting a concentration greater than the delisting level. A confirmed exceedance of the delisting level will be deemed present if both the original and verification sample exhibit concentrations above the delisting level. ExxonMobil must provide notice to the IEPA of a confirmed exceedance within seven (7) business days of receipt of the confirmation.
 - 2) ExxonMobil will perform annual testing of a composite representative sample of the waste for the following constituents: acenaphthene, anthracene, benz(a)anthracene, bi(2-ethyl hexyl)phthalate, di-n-butyl-phthalate, ethylbenzene, flourene, naphthalene, phenanthrene, phenol, pyrene, toluene, xylenes, cyanides, and nickel.
 - 3) All analyses pursuant to this adjusted standard shall be performed according to SW-846 methodologies incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 4) The operator shall not transport the waste subject to this adjusted standard outside of the State of Illinois.
- c) Delisting Levels. Based on testing pursuant to the conditions of this adjusted standard, the constituent concentrations in the waste subject to this adjusted standard must not exceed any of the values below in Table A in addition to hazardous characteristics as defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123, and 721.124. Otherwise such waste must be managed and disposed

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- 3) ExxonMobil must submit annually to the IEPA a report of the data collected pursuant to testing procedures of section (b)(2) of this adjusted standard. Alternatively, IEPA may consent to receipt of only the summary or a subset of the data or both.
- 4) All analytical data created pursuant to this adjusted standard shall be compiled and maintained at the Joliet Refinery for a minimum of three years. This data shall be made available for inspection by any representative of the State of Illinois upon request.
- 5) All data submittals to the IEPA must be accompanied with the following certification statement:

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representations, I certify that the information contained in or accompanying this document is true, accurate, and complete.

As to any identified section of this document for which I cannot personally verify its truth, accuracy, or completeness, I certify, as ExxonMobil Oil Corporation's official having supervisory responsibility for the person(s) who, acting under my direct instructions, made the verification, that this information is true, accurate, and complete.

In the event that any of this information is determined by the Board or a court of law to be false, inaccurate, or incomplete, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by the Board or court and that ExxonMobil Oil Corporation will be liable for any actions taken in contravention of its obligations under RCRA (including its RCRA Part B permit) or the Comprehensive Environmental Response, Compensation and Liability Act or corresponding provisions of the Environmental Protection Act premised upon ExxonMobil Oil Corporation's reliance on the void exclusion.

(Name of certifying person)

(Title of certifying person)

(Date)