

ILLINOIS POLLUTION CONTROL BOARD
October 5, 2023

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

ORDER OF THE BOARD (by M.D. Mankowski):

On August 14, 2023, Marathon Petroleum Company, LLC (Marathon) filed a petition (Pet.) pursuant to Section 28.1 of the Environmental Protection Act (Act) and Part 104 of the Board’s procedural rules. See 415 ILCS 5/28.1 (2022); 35 Ill. Adm. Code 104 Subpart D. Marathon petitions the Board for an adjusted standard from Part 201 and Section 216.361. Specifically, Marathon seeks adjusted standards from the requirements for carbon monoxide emissions for petroleum and petrochemical processes during periods of startup, malfunction and breakdown.

On August 31, 2023, Marathon filed a motion for correction by interlineation, or in the alternative, motion to amend petition to correct its name. Marathon mistakenly listed its name as “Marathon Petroleum Company, LLC”, rather than the correct “Marathon Petroleum Company LP”. Additionally, Marathon inadvertently referenced “carbon dioxide” rather than “carbon monoxide” in its proposed adjusted standard language. See Pet. at 25. No response was filed to the motion. See 35 Ill. Adm. Code 101.500(d). The Board grants the unopposed motion to correct the petition.

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, Marathon on August 31, 2023, timely filed a certificate of publication of notice of the amended petition. Notice of filing was published on August 23, 2023, in the *Robinson Daily News*. Marathon argues that correcting typographical errors is a non-substantive change and does not require re-notification. Motion to Amend at 5-6, citing 35 Ill. Adm. Code 104.418(a). The Board agrees.

The Board finds that the notice and amended petition meet the requirements of Section 28.1 of the Act and Section 104.408 of the Board’s procedural rules and accepts the amended 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. at 1. Marathon did not file a response to the motion. 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 a stay is appropriate because, "issuing a stay here will conserve resources and allow participants to focus on API's rulemaking proposal first, and this proceeding second (and only if still necessary)." Mot. at 4. 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. The Board grants IEPA's unopposed motion to stay the proceedings for 90 days, until December 27, 2023.

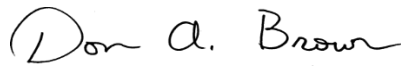
The Board's procedural rules require that at the close of a stay, the parties must file a status report in compliance with Subpart C. 35 Ill. Adm. Code 101.514. Any additional requests for stay of the proceedings must be directed to the hearing officer. *Id.*

Marathon waives a hearing on the petition. Pet. at 46. This order makes no determination on the informational sufficiency or the merits of Marathon's petition. The Board through its own orders or its hearing officer's orders may direct Marathon to provide additional information.

The Board grants the unopposed motion to correct the petition, accepts the corrected petition, grants IEPA's unopposed motion to stay, and directs the Clerk to correct the caption in the online docketing system and in future orders.

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