

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

|                                       |   |                                  |
|---------------------------------------|---|----------------------------------|
| <b>IN THE MATTER OF:</b>              | ) |                                  |
|                                       | ) |                                  |
| <b>PETITION OF EXXONMOBIL</b>         | ) | <b>AS 2024-001</b>               |
| <b>OIL CORPORATION FOR</b>            | ) | <b>(Adjusted Standard – Air)</b> |
| <b>ADJUSTED STANDARD FROM</b>         | ) |                                  |
| <b>35 ILL. ADM. CODE 216.361,</b>     | ) |                                  |
| <b>35 ILL. ADM. CODE 216.103, AND</b> | ) |                                  |
| <b>35 ILL. ADM. CODE 216.104</b>      | ) |                                  |

**NOTICE OF FILING**

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

Bradley P. Halloran, Hearing Officer  
Illinois Pollution Control Board  
60 E. Van Buren Street  
Suite 630  
Chicago, Illinois 60605  
brad.halloran@illinois.gov

Gina Roccaforte  
Assistant Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19267  
Springfield, IL 62795-9276  
Gina.Roccaforte@illinois.gov

Dana Vetterhoffer  
Deputy General Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19267  
Springfield, IL 62795-9276  
Dana.Vetterhoffer@illinois.gov

Please take notice that I have today filed electronically with the Office of the Clerk of the Illinois Pollution Control Board, the attached Notice of Filing, Certificate of Service, and Status Report and Response to the Illinois Environmental Protection Agency’s Motion to Extend Stay of Proceeding on behalf of ExxonMobil Oil Corporation, copies of which are herewith served upon you.

Dated: April 24, 2024

Respectfully submitted,

/s/ Eric E. Boyd

Eric E. Boyd, #6194309  
Edward A. Cohen, #6194012  
Timothy B. Briscoe, #6331827  
55 East Monroe Street  
Chicago, Illinois 60603  
Telephone: (312) 346-7500  
eboyd@thompsoncoburn.com  
ecohen@thompsoncoburn.com  
tbriscoe@thompsoncoburn.com  
Firm I.D. No. 48614

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 served the Illinois Environmental Protection Agency with the same documents electronically.

Dated: April 24, 2024

Respectfully submitted,

/s/ Eric E. Boyd

Eric E. Boyd, #6194309  
Edward A. Cohen, #6194012  
Timothy B. Briscoe, #6331827  
55 East Monroe Street  
Chicago, Illinois 60603  
Telephone: (312) 346-7500  
eboyd@thompsoncoburn.com  
ecohen@thompsoncoburn.com  
tbriscoe@thompsoncoburn.com  
Firm I.D. No. 48614

OF COUNSEL:  
THOMPSON COBURN LLP

*Attorneys for Petitioner ExxonMobil Oil  
Corporation*

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**IN THE MATTER OF:** )  
 )  
**PETITION OF EXXONMOBIL** ) **AS 2024-001**  
**OIL CORPORATION FOR** ) **(Adjusted Standard – Air)**  
**ADJUSTED STANDARD FROM** )  
**35 ILL. ADM. CODE 216.361,** )  
**35 ILL. ADM. CODE 216.103, AND** )  
**35 ILL. ADM. CODE 216.104** )

**EXXONMOBIL OIL CORPORATION’S STATUS REPORT AND RESPONSE TO  
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY’S MOTION TO EXTEND  
STAY OF PROCEEDING**

Petitioner ExxonMobil Oil Corporation (“Petitioner” or “ExxonMobil”), pursuant to 35 Ill. Adm. Code 101.500(d) and 101.514(b), for its Status Report and Response to the Illinois Environmental Protection Agency’s (“IEPA’s” or “Agency’s”) Motion to Extend Stay of Proceeding, states the following:

1. ExxonMobil filed its Petition for an Adjusted Standard on August 14, 2023. Pursuant to the Petition, ExxonMobil seeks an adjusted standard from 35 Ill. Adm. Code 216.361, 35 Ill. Adm. Code 216.103, and 35 Ill. Adm. Code 216.104 for Petitioner’s facility located at 25915 S. Frontage Road, Channahon, Illinois (the “Joliet Refinery”). The Petition was filed in response to the Board’s final action in the startup, shut-down and malfunction (“SSM”) rulemaking proceeding R 23-18.

2. On September 11, 2023, the IEPA filed a Motion for Stay of Proceeding or, in the alternative, Motion for Extension of Time to File Recommendation for 90 Days. The IEPA’s Motion sought additional time to file its recommendation in this matter beyond the 45 days required under 35 Ill. Adm. Code 104.416(a), and referred to the alternative emissions limit SSM proceeding in R23-18(A) in which ExxonMobil and other refinery petitioners seek similar relief.

3. On September 25, 2023, ExxonMobil filed a response to the IEPA’s Motion that requested that the Board deny the IEPA’s request for stay and grant the IEPA an extension to file

its recommendation until October 12, 2023. Among other things, ExxonMobil's Response explained, "ExxonMobil respectfully submits that it should be up to the Board as to how it would like to proceed with AS 24-001 in light of the ongoing proceedings in R23-18(A). The Board is best suited to decide how to conduct such affairs." Response at Par. 8. The ExxonMobil Response also explained why the amount of time that the IEPA requested to delay filing its recommendation was unwarranted. Response at Pars. 11 and 12. On October 5, 2023, the Board nevertheless granted the IEPA's Motion for Stay of Proceeding for 90 days, until December 27, 2023.

4. On December 13, 2023, the IEPA filed its Status Report and Motion to Extend Stay of Proceeding. On January 4, 2024, the Board Hearing Officer granted the IEPA's Motion to Extend Stay until April 25, 2024.

5. On April 10, 2024, the IEPA filed its Status Report and Motion to Extend Stay of Proceeding beyond April 25, 2024. The Motion requests another stay for 150 days up to and including September 23, 2024.

6. ExxonMobil finds the IEPA's status report to be acceptable. To the extent necessary to satisfy the requirements of 35 Ill. Adm. Code 101.514(b), ExxonMobil hereby adopts and incorporates the IEPA's status report herein.

7. ExxonMobil objects to the IEPA's Motion to Extend Stay of Proceeding for 150 days up to and including September 23, 2024. Further delays of the date by which the IEPA should file its recommendation in this matter are unwarranted.

8. The IEPA argues that the stay should once again be extended so the Board can "hold" the AS 24-001 proceeding while the alternative emissions limitation proceeding in R 23-18(A) moves forward. This proceeding and the R 23-18(A) proceeding, however, are separate proceedings with different procedural requirements. The Board can decide how and whether to

proceed with this adjusted standard matter (AS 24-001) in light of the alternative emissions limitation proceeding (R 23-18(A)) whether or not a stay of proceedings is in place.

9. The only thing an extension of the stay will do is to postpone once again the day by which the IEPA will need to file its recommendation in this matter as required by 35 Ill. Adm. Code 104.416(a). ExxonMobil's September 25, 2023 response to the IEPA's original motion explained why the IEPA should have been required to submit its recommendation by October 12, 2023. Response at Pars. 11 and 12. Since that time, on April 2, 2024, the IEPA filed the Testimony of Rory Davis for the third hearing in the R23-18(A) alternative emissions limit matter. Mr. Davis's testimony discussed the correspondence between the IEPA, ExxonMobil, and the other API refinery participants, and concluded, "Based on the additional technical support and justification for the amendments that API has provided, the Agency does not object to adoption of the rule proposal as set forth in API's March 15, 2024 filing with the Board." Davis Testimony in R23-18(A) at pages 15 and 16. Finally, the following exchange took place at the Third Hearing in R23-018(A) on April 15, 2024 between Mr. Messina and Mr. Davis:

Mr. Messina: . . . Mr. Davis, on page 15 of your pre-filed testimony, it indicated that . . . the Agency does not object to the adoption of the rule proposal as set forth in API's March 15, 2024, filing with the Board. As our March 15, 2024, proposal, or filing, included the most up-to-date proposed alternative emission limitation language in 216.361(d), as in David, but not set forth API's proposed revisions to Sections 216.103 and 216.104. Does the Agency also not object to API's proposal in relation to those sections?

Mr. Davis: That's correct.

Mr. Messina: Thank you. . . Does this statement imply that the Agency believes that USEPA's criteria for AEL are met as to the proposal?

Mr. Davis: The Agency does not object if the Board decides to adopt the proposed language, the current proposal, along with the additional support provided as the Agency has not identified problematic emissions impacts from the proposal and is not aware of any potential issues with USEPA approval.

Tr. at pages 21 and 22. The IEPA, therefore, is now in a position to file its recommendation in this adjusted status matter.

10. Without the prior stays, 35 Ill. Adm. Code 104.416(a) required the IEPA to file its recommendation within 45 days. The current stay expires on April 25, 2024. That means that the IEPA has had an additional 210 days beyond the required 45 days to file its recommendation in this matter. The IEPA now asks for another 150 days, or until September 23, 2024, to file its recommendation. If the additional request is granted, the IEPA would have been allowed to delay filing its recommendation in this matter for an entire year. Any additional delay beyond April 25, 2024, as discussed above, is unnecessary and unwarranted.

WHEREFORE, for the reasons stated above, Petitioner ExxonMobil Oil Corporation requests that the Illinois Pollution Control Board accept the IEPA's Status Report and deny the IEPA's Motion to Extend Stay.

Dated: April 24, 2024

Respectfully submitted,

/s/ Eric E. Boyd

Eric E. Boyd, #6194309

Edward A. Cohen, #6194012

Timothy B. Briscoe, #6331827

55 East Monroe Street

Chicago, Illinois 60603

Telephone: (312) 346-7500

eboyd@thompsoncoburn.com

ecohen@thompsoncoburn.com

tbriscoe@thompsoncoburn.com

Firm I.D. No. 48614

OF COUNSEL:  
THOMPSON COBURN LLP

*Attorneys for Petitioner  
ExxonMobil Oil Corporation*