

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 and)
)
 COUNTY OF WAYNE, MICHIGAN,)
 STATE OF LOUISIANA, STATE OF)
 MINNESOTA,)
)
 Plaintiff-Intervenors,)
)
 v.)
)
 MARATHON ASHLAND PETROLEUM)
 LLC)
)
 Defendant.)
 _____)

Civil Action No. 4:01-CV-40119-PVG
Judge Paul V. Gadola
Magistrate Judge Donald A. Sheer

FIRST MODIFICATION TO THE NOVEMBER 2005
FIRST REVISED CONSENT DECREE

WHEREAS, on May 11, 2001, Plaintiff, the United States of America (“United States”), on behalf of the Environmental Protection Agency (“EPA”), filed a complaint in this action against and simultaneously lodged a consent decree with Marathon Ashland Petroleum LLC (“MAP”);

WHEREAS, on August 30, 2001, this Court entered the consent decree (the “August 2001 Consent Decree”) that fully resolved the claims in the complaint;

WHEREAS, on June 20, 2005, the Court entered a First Amendment to the August 2001 Consent Decree;

WHEREAS, on November 17, 2005, the Court entered a First Revised Consent Decree (“November 2005 First Revised Consent Decree”) that replaced and superceded the August 2001 Consent Decree, as amended;

WHEREAS, on or about September 1, 2005, MAP changed its name to Marathon Petroleum Company LLC (“MPC”), and MPC remains fully responsible for compliance with the November 2005 First Revised Consent Decree;

WHEREAS, because the name “MAP” was used in all prior iterations of this agreement, the use of that name will continue herein;

WHEREAS, the United States and MAP, in consultation with Plaintiff-Intervenors the State of Louisiana and the State of Minnesota (collectively, the “Parties”), have engaged in negotiations and agreed to certain modifications of the November 2005 First Revised Consent Decree pursuant to Paragraph 86;

WHEREAS, after the Date of Entry of the August 2001 Consent Decree, the State of Michigan withdrew Plaintiff-Intervenor Wayne County’s authority to enforce the Michigan air pollution control laws and therefore no one within Wayne County has any authority to engage in negotiations regarding the implementation, enforcement, or modification of the November 2005 First Revised Consent Decree;

WHEREAS, the Parties agree that the modifications embodied herein are in the best interests of the public and that entry of this First Modification without litigation is appropriate;

WHEREAS, the Parties to this First Modification recognize, and the Court by entering this First Modification finds, that this First Modification has been negotiated at arms length and in good faith and that this First Modification is fair, reasonable, and in the public interest;

NOW THEREFORE, before the taking of any testimony, without adjudication of any issue of fact or law, and upon the consent and agreement of the Parties to this First Modification, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

MODIFIED AND RESTATED SECTIONS

The November 2005 First Revised Consent Decree shall remain in full force and effect in accordance with its terms, except that:

- (i) Existing Paragraphs numbered 12.A.i, 12.D, 12.E, 12.H, 13.B, 15.B.ii, 18.N.ii, 29.B, 29.C, 53, and Appendices H and J are amended as stated below (highlighted words reflect revisions);
- (ii) New Paragraphs numbered 12.I.vi, 13.F.1, 14.A.iii, 14.G.iii, 26(1)(i) - 26(1)(iv), and 29.C.1, are added as stated below;
- (iii) Existing Paragraphs 26.A - 26.K and Appendix P are deleted as stated below; and
- (iv) Paragraph 26.L is renumbered to 26(2) and amended as stated below.

* * * *

12.A. **NOx Reducing Catalyst Additives and Low NOx Combustion Promotors**

(“NOx Additives”):

i. MAP began to add Low NOx Combustion Promotors and NOx Reducing Catalyst Additives to determine optimized additive addition rates at each of the following FCCUs on the following dates:

- a. Canton FCCU - May 8, 2002;
- b. Catlettsburg FCCU No. 109 - June 21, 2004;
- c. Detroit FCCU - June 3, 2002;
- d. Garyville FCCU - April 22, 2002;
- e. St. Paul Park FCCU - April 28, 2003;
- f. Robinson FCCU – May 1, 2006 (Low NOx Combustion Promotor only).

* * * *

12.D. **Installation and Operation of a LoTOx System at the Texas City FCCU:** By the earlier of: (i) the next scheduled turnaround of at least twenty-five days of the Texas City FCCU; or (ii) June 1, 2007, MAP shall complete installation and begin operation of a LoTOx System at the Texas City FCCU and shall comply with an emission limit for NOx of 20 ppmvd (0% oxygen) on a 365-day rolling average basis and 40 ppmvd (0% oxygen) on a 7-day rolling average basis.

* * * *

12.E. **Installation and Operation of a NOx Reducing System at the Robinson FCCU:** By no later than December 31, 2008, MAP shall complete installation and begin operation of a NOx Reducing System at the Robinson FCCU. The NOx Reducing System shall be either: (i) a LoTOx System; or (ii) Enhanced SNCR with Low NOx Combustion Promotor. NOx emission limits from the Robinson FCCU shall be established in accordance with Paragraph 12.H. or 12.I.

* * * *

12.H. Agreement to Hard Limits for NOx Emissions from the Robinson FCCU. At any time prior to May 15, 2011, MAP may submit a request to EPA that proposes NOx emission limits on a 7-day rolling average basis and a 365-day rolling average basis, at 0% oxygen, for the Robinson FCCU. To the extent that MAP submits such a request, it must include a date by which the proposed limits will be in effect and it must provide a basis for the proposed limits. Solely in EPA's unreviewable discretion, EPA may consent to modify or eliminate the optimization and/or demonstration requirements of Paragraph 12.G if, after MAP's request, EPA proposes, and MAP accepts, NOx emission limits on a 7-day rolling average basis and a 365-day rolling average basis, at 0% oxygen, and if EPA and MAP agree to an effective date for such limits. The requirements of Paragraph 12.G shall remain in full force and effect unless and until such an agreement is reached in writing. If such a written agreement is reached, then on and after the date of the agreement, Paragraph 12.G no longer shall apply and the provisions of Paragraph 12.I that apply to the Robinson FCCU no longer shall apply.

* * * *

12.I.vi. NOx Emission Limits for the Canton, Catlettsburg, Detroit, Garyville, and St. Paul Park Refineries. By no later than the Date of Lodging of this First Modification, MAP shall comply with the following NOx emission limits at the following FCCUs:

FCCU	7-day rolling average limit (0% oxygen)	365-day rolling average limit (0% oxygen)
Canton	72 ppmvd	52 ppmvd
Catlettsburg	50 ppmvd	30 ppmvd
Detroit	123 ppmvd	93 ppmvd
Garyville	61 ppmvd	41 ppmvd
St. Paul Park	90 ppmvd	70 ppmvd

13.B. On or before **March 1, 2009**, MAP shall complete a program to reduce the overall NOx emissions from the Controlled Heaters and Boilers at its Refineries in an amount greater than or equal to 3,866 tons per year from a prior actual to future allowable basis so as to satisfy the following inequality:

$$\sum_{i=1}^n [(E_{\text{actual}})_i - (E_{\text{allowable}})_i] \geq 3,866 \text{ tons of NOx per year}$$

Where:

$(E_{\text{allowable}})_i$ = [(The permitted allowable pounds of NOx per million BTU for heater or boiler i)/(2000 pounds per ton)] x [(the lower of permitted or maximum heat input rate capacity in million BTU per hour for heater or boiler i) x (the lower of 8760 or permitted hours per year)] ;

$(E_{\text{Actual}})_i$ = The tons of NOx per year prior actual emissions (unless prior actuals exceed allowable emissions, then use allowable) as shown in Appendix C for controlled heater or boiler i; and

n = The number of controlled heaters and boilers at all refineries applied towards satisfying the requirements of the equation set forth in this Paragraph 13 of this First Revised Consent Decree.

For purposes of this Subparagraph 13.B., MAP may use an emission limit as the “permitted allowable” used to calculate “ $E_{\text{allowable}}$ ” that applies to a common stack provided that all heaters and boilers which are tied into that stack are controlled by this First Revised Consent Decree.

Provided further, however, that if such heaters and boilers which are tied into a common stack are not all controlled under this First Revised Consent Decree, MAP may use the permitted or maximum heat input rate capacity of the controlled heater(s), the common stack emission limit,

and the controlled heater(s) baseline to calculate the emission reduction from the controlled heaters.

* * * *

13.F.1. For purposes of demonstrating compliance with the 30% requirement of Paragraph 13.F, MAP shall conduct a performance test on the Hydrogen Reformer Heaters at the St. Paul Park Refinery by no later than December 31, 2008, and annually thereafter.

* * * *

14.A.iii. By no later than January 1, 2008, and continuing thereafter, MAP shall comply with an SO₂ concentration limit at the Texas City FCCU of 18 ppmvd on a 365-day rolling average basis, at 0% oxygen.

* * * *

14.G.iii. For the Canton FCCU, by no later than March 1, 2007, and continuing thereafter, MAP shall comply with a 7-day rolling average SO₂ emission limit, at 0% oxygen, of 90 ppmvd and a 365-day rolling average SO₂ emission limit, at 0% oxygen, of 45 ppmvd.

* * * *

15.B.ii. The #4 and #5 Topper Crude Charge Heaters at MAP's Texas City Refinery shall not be subject to the emissions limitations set forth in 40 C.F.R. § 60.104(a)(1) for all periods between March 1, 2005, and June 1, 2007, in which the Valero refinery in Texas City, Texas, fails to supply MAP with fresh amine for the reduction of the hydrogen sulfide concentration in MAP's Texas City refinery fuel gas, provided that MAP complies with the following requirements: (1) during all such periods, MAP shall exercise good air pollution control practices to minimize emissions of sulfur dioxide; (2) to the extent commercially available and

logistically feasible, MAP shall purchase low sulfur gas oil for processing in the Texas City FCCU; (3) MAP shall engage in communications and dialogue with Valero in an effort to secure more consistent amine regeneration services from Valero at Valero's Texas City refinery; (4) MAP shall comply with the plantwide annual sulfur dioxide emissions limitations set forth in Paragraph 26.L.; (5) by no later than March 15, 2006, March 15, 2007, and March 15, 2008, MAP shall submit a report to EPA setting forth the amount of sulfur dioxide emitted from the #4 and #5 Topper Crude Charge Heaters for the period between March 1, 2005, and February 28, 2006, and from March 1, 2006 through February 28, 2007, and from March 1, 2007, through June 1, 2007, respectively, including the calculations that were used to determine the emissions estimate; and (6) on and after June 1, 2007, MAP shall not burn high sulfur fuel in the #4 and #5 Topper Crude Charge Heaters at the Texas City Refinery.

* * * *

18.N.ii.c. [MAP shall] On a quarterly basis for the Robinson and Catlettsburg Refineries commencing with the Lodging of this First Modification, and on a weekly basis for the remainder of the Covered Refineries, visually inspect all conservation vents or indicators on process sewers for detectable leaks; reset any vents where leaks are detected; and record the results of the inspections. After two (2) years of weekly inspections, and based upon an evaluation of the recorded results, MAP may submit a request to the appropriate EPA Region to modify the frequency of the inspections. EPA shall not unreasonably withhold its consent. Nothing in this Paragraph 18.N.ii.c. shall require MAP to monitor conservation vents on fixed roof tanks.

* * * *

26 - 26.K (Plant Applicability Limits). These provisions are hereby deleted.

* * * *

26(1). Emission Credit Generation.

i. Objectives. The intent of this Paragraph 26(1) generally is to prohibit MAP from using the emissions reductions (“CD Emissions Reductions”) that will result from the installation and operation of the controls required by the August 2001 Consent Decree, as amended, and by the November 2005 First Revised Consent Decree, as herein modified (including the controls required in Paragraph 29) for the purpose of netting reductions or emission offset credits, but also to allow MAP to use a portion of the CD Emissions Reductions as described below and to describe the circumstances which are outside the scope of the general prohibition.

ii. Prohibition. Except as specifically provided in this Paragraph 26(1), MAP shall not generate or use any NO_x, SO₂, PM, PM₁₀, VOC, CO, or H₂SO₄ emissions reductions that result from any projects conducted or controls utilized to comply with the August 2001 Consent Decree, as amended, or the November 2005 First Revised Consent Decree, as herein modified (including the controls required in Paragraph 29) as netting reductions or emission offset credits in any PSD, major non-attainment and/or minor New Source Review (“NSR”) permit or permit proceeding.

iii. Exception to General Prohibition. Notwithstanding the general prohibition in Paragraph 26(1).ii, MAP may use up to 7.5% of the PM₁₀ emissions reductions from projects undertaken pursuant to the August 2001 Consent Decree, as amended, or the November 2005 First Revised Consent Decree, as herein modified, for use as netting reductions or emission offset credits in any PSD, major non-attainment and/or minor NSR permit or permit proceeding provided that:

- (a) The new or modified emissions unit has a federally enforceable non-Title V permit with the following PM₁₀ limits, as applicable:
 - (1) For an FCCU: a total PM₁₀ limit of 1.1 lb PM₁₀/1000 lb coke burned on a 3-hour average basis (includes both filterable and condensable PM₁₀);
 - (2) For a heater or boiler which burns refinery fuel gas: a limit of 0.0076 lb PM₁₀/mmBTU heat input on a 3-hour average basis;
 - (3) For a heater or boiler which burns refinery fuel gas and operates with an SCR: a limit of 0.010 lb PM₁₀/mmBTU heat input on a 3-hour average basis;
 - (4) For a heater or boiler which burns natural gas only: a limit of 0.005 lb PM₁₀/mmBTU heat input on a 3-hour average basis;
- (b) The PM₁₀ CD Emissions Reductions must already have occurred prior to use as netting reductions or emission offset credits;
- (c) The amount of PM₁₀ CD Emissions Reductions to be used at any one Covered Refinery cannot exceed the total PM₁₀ CD Emissions Reductions generated at that Covered Refinery; and
- (d) MAP remains subject to all federal, state, and local regulations applicable to the PSD, major non-attainment and/or minor NSR permitting process.

iv. Reporting on the Use of PM₁₀ CD Emission Reductions as Allowed by

Paragraph 26(1).iii. In the semi-annual reports due under Paragraph 33 of the November 2005 First Revised Consent Decree, MAP shall submit to EPA the following information regarding MAP's use, if any, of the PM₁₀ CD Emission Reductions for each Covered Refinery subject to this Decree on a cumulative basis:

- (a) The quantity of PM₁₀ CD Emissions Reductions generated since the Date of Entry of the August 2001 Consent Decree and the emission unit(s) generating such reductions, the date on which those reductions were generated, and the basis for those determinations;

- (b) The quantity of PM₁₀ CD Emissions Reductions used as netting reductions or emission offset credits since the Date of Entry of the August 2001 Consent Decree and the emission unit(s) to which those reductions were applied; and
- (c) To the extent known at the time the report is submitted, the additional units to which the PM₁₀ CD Emissions Reductions will be applied in the future and the estimated amount of such PM₁₀ CD Emissions Reductions that will be used for each such unit.

v. Outside the Scope of the Prohibition. Nothing in this Paragraph 26(1) is intended to prohibit MAP from seeking to:

- (a) utilize or generate netting reductions or emission offset credits from refinery units that are covered by the August 2001 Consent Decree, as amended, or the November 2005 First Revised Consent Decree, as herein modified, to the extent that the proposed netting reductions or emission offset credits represent the difference between the emissions limitations set forth in the August 2001 Consent Decree, as amended, or the November 2005 First Revised Consent Decree, as herein modified, for these refinery units and the more stringent emissions limitations that MAP may elect to accept for these refinery units in a permitting process;
- (b) utilize or generate netting reductions or emission offset credits for refinery units that are not subject to an emission limitation pursuant to the August 2001 Consent Decree, as amended, or the November 2005 First Revised Consent Decree, as herein modified;
- (c) utilize or generate netting reductions or emission offset credits for heaters and boilers on which controls, as defined in Paragraph 13.A, have been installed, provided that such reductions are not included in MAP's demonstration of compliance with the requirements of Paragraphs 13.B and 13.E of the August 2001 Consent Decree, as amended, or the November 2005 First Revised Consent Decree, as herein modified;
- (d) utilize emissions reductions from the installation of controls required by the August 2001 Consent Decree, as amended, or the November 2005 First Revised Consent Decree, as herein modified, in determining whether a project that includes both the installation of controls under the August 2001 Consent Decree, as amended, or the November 2005 First Revised Consent Decree, as herein modified, and other construction that occurs at the same time and is permitted as a single project triggers major New Source Review requirements;

- (e) utilize CD Emission Reductions for a particular Covered Refinery's compliance with any rules or regulations designed to address regional haze or the non-attainment status of any area (excluding PSD and Non-Attainment New Source Review rules, but including, for example, NO_x or VOC RACT Rules and the Houston/Galveston Area NO_x SIP) that apply to the particular Covered Refinery. Notwithstanding the preceding sentence, MAP will not trade or sell any CD Emissions Reductions.

* * * *

26(2). Plantwide Sulfur Dioxide Emissions Limitations for the Texas City Refinery.

MAP shall not exceed sulfur dioxide emissions of 876 tons per calendar year from the Texas City Refinery for each of the years 2005, 2006, and 2007. By no later than January 31 of 2006, 2007, and 2008, MAP shall submit a report to EPA that sets forth the total plantwide sulfur dioxide emissions for the preceding calendar year, together with the calculations used in determining the emissions. If MAP exceeds the annual emission limit in this Paragraph 26.L for the years 2005, 2006, or 2007, MAP shall pay as stipulated penalties \$25,000 per ton (or fraction thereof) of sulfur dioxide emissions in excess of 876 tons per calendar year that are generated from the combustion of high sulfur fuel gas in the ## 4 and 5 Topper Crude Charge Heaters.

* * * *

29.B. Fordson Island:

i. By no later than December 31, 2006, MAP shall use reasonable efforts to convey its ownership interest in Fordson Island located in the Rouge River (which, as of the Date of Lodging of the August 2001 Consent Decree, had an estimated market value of \$500,000) to a federal, state, or local governmental body or to a non-profit organization. MAP shall seek EPA's approval of the potential transferee. If, after using such reasonable efforts, MAP is unable to find such a governmental body or non-profit organization to accept the conveyance, MAP shall notify

EPA of this inability by no later than January 15, 2007. If MAP makes that notification, then by no later than January 1, 2008, MAP shall take appropriate action at the property it owns on Fordson Island to ensure that it remains an undeveloped property for use by wildlife, including migratory birds, while having restricted access by humans. Until termination of this First Revised Consent Decree, as now modified, MAP shall maintain the property it owns on Fordson Island as undeveloped property for use by wildlife, including migratory birds, while having restricted access to humans.

ii. Prior to the Date of Lodging of this First Revised Consent Decree, MAP completed the following activities:

- a. Flushed, capped and abandoned MAP's existing hydrocarbon dock lines to the island and rerouted them to an alternate location at a projected cost of \$3,100,000;
- b. Removed existing MAP industrial equipment on the island at a projected cost of \$300,000; and
- c. Performed an environmental evaluation of MAP's portion of the island to applicable standards for use of the property as a public park at a cost of approximately \$100,000.

iii. As of December 31, 2007, MAP had completed clean up and remediation activities consistent with the requirements of the August 2001 Consent Decree, as amended, and the November 2005 First Revised Consent Decree. In addition, as of that date, MAP had taken appropriate action at the property to ensure that it will remain undeveloped property for use by wildlife, including migratory birds, while having restricted access by humans.

* * * *

29.C. Texas City Sanitation Truck Retrofit Project and Stormwater Pump Project: By no later than April 1, 2006, MAP spent somewhat less than \$100,000 to ensure that diesel retrofit

technologies were installed on no less than seven high-emitting, in-service heavy duty diesel sanitation trucks owned by Texas City, Texas, in order to reduce emissions of particulates and ozone precursors. Because this project cost less than \$100,000, by no later than January 31, 2007, MAP shall use the remaining funds, not to exceed a total of \$100,000, to purchase for Texas City, Texas, a new, lower-emitting, diesel-powered stormwater pump in order to reduce emissions of particulates and ozone precursors. MAP will cooperate fully with Texas City, Texas, to implement these projects.

* * * *

29.C.1. Continued Operation of Ambient Benzene Monitors at the Texas City Refinery.

MAP shall continue to operate the ambient benzene monitors that it has at its Texas City Refinery until at least December 31, 2008.

* * * *

53. MAP shall pay stipulated penalties upon written demand by the United States and/or the applicable Plaintiff-Intervenor, other than Wayne County, by no later than sixty (60) days after MAP receives such demand. The United States and the applicable Plaintiff-Intervenor, other than Wayne County, will consult with each other before making a demand. Stipulated penalties shall be paid to the United States in the manner set forth in Section IX (Civil Penalty) of the First Revised Consent Decree. Stipulated penalties related to the Garyville and St. Paul Park Refineries shall be split 50/50 with the applicable Plaintiff-Intervenor and the applicable Plaintiff-Intervenor's 50% share shall be paid in the manner set forth in Section IX (Civil Penalty) of the First Revised Consent Decree. A demand for the payment of stipulated penalties will identify the particular violation(s) to which the stipulated penalty relates, the stipulated

penalty amount **that is being sought** for each violation (as can be best estimated), the calculation method underlying the demand, and the grounds upon which the demand is based.

* * * *

APPENDIX H

**NSPS SUBPART J COMPLIANCE SCHEDULE
FOR HEATERS AND BOILERS**

<u>Source</u>	<u>Date of Compliance</u>	<u>Method of Compliance</u>
* * * *		
<u>Texas City</u>		
FCC Steam Generator [B-1]	6/30/03	Shut down
UDEX Stripper Heater [H-1]	6/30/03	Shut down
Boilers 1 & 4 [27-B-1 & 4]	6/30/03	Shut down
Boilers 2 & 3 [27-B-2 & 3]	6/01/07	Build new amine treating, sour water treating, SRP and tail gas treating facilities ²
Alkylation Heater	6/01/07	Build new amine treating, sour water treating, SRP and tail gas treating facilities
Udex Borne Heater [02H6]	6/01/07	Build new amine treating, sour water treating, SRP and tail gas treating facilities

Platformer Interheaters [09H2]	6/01/07	Build new amine treating, sour water treating, SRP and tail gas treating facilities
Platformer Charge Heater [09H1]	6/01/07	Build new amine treating, sour water treating, SRP and tail gas treating facilities
#5 Topper Charge Crude Heater [H-6]	6/01/07 ³	Burn natural gas or build new amine treating, sour water treating, SRP and tail gas treating facilities
Topper #4 Charge Crude Heater [H-92]	6/01/07 ³	Burn natural gas or build new amine treating, sour water treating, SRP and tail gas treating facilities

² MAP's Texas City Refinery currently sends spent (sour) amine to amine regeneration facilities at the Valero Refinery in Texas City. Valero processes the acid gas that is generated in its Sulfur Plants. On occasion, Valero does not accept MAP's spent amine which results in MAP's combustion of refinery fuel gas in excess of the 160 ppm H₂S limit of 40 C.F.R. Part 60, Subpart J. The Texas City Refinery will install and operate a new amine treating, sour water treating, SRP and tail gas treating facilities by no later than **June, 1, 2007**.

³ MAP complied with NSPS Subparts A and J for the period between the Date of Lodging of the August 2001 Consent Decree and March 1, 2005, for the ## 4 and 5 Topper Crude Charge Heaters.

* * * *

APPENDIX J

NSPS SUBPART J COMPLIANCE SCHEDULE FOR FLARES

CATLETTSBURG

Lube/Petrochem Flare (1-14-FS-2)	11/30/2008	Low Pressure Vent Recovery System, AMP, Scrubber
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South Area Flare (2-11-FS-1)	11/30/2008	Low Pressure Vent Recovery System, AMP, reroute FW vapors
HF Alkylation Flare (2-11-FS-3)	11/30/2008	Low Pressure Vent Recovery System, AMP
New North Area Flare	11/30/2008	Low Pressure Veny Recovery System, Reroute foul water vents, AMP
Air Assisted Flare (2-11-FS-5)		Was shut down on 11/19/99
Pitch Flare (1-14-FS-3)	11/30/2008	Low Pressure Vent Recovery System, Reroute streams, AMP
RCCS Flare (2-11-FS-4)	06/01/2004	Reroute streams, submit AMP
Vapor Destruction Unit [1-7-B-1]	09/01/2001	Submit AMP

TEXAS CITY

Marine Vapor Combustor	07/19/2000 06/30/04	Submit AMP Resubmit AMP
Alklation Flare	07/19/2000 06/30/04	Submit AMP Resubmit AMP
Wastewater Treatment Flare	07/19/2000 12/31/05	Submit AMP Resubmit AMP
Main Flare	12/31/2008	Reroute streams, install recovery compressor, submit AMP

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Appendix P (Baseline and CAP Determination for the PAL(S)) – Appendix P is hereby deleted.

* * * *

IT IS SO ORDERED.

Dated this _____ day of _____, 2008.

UNITED STATES DISTRICT JUDGE

WE HEREBY CONSENT to the entry of the First Modification of the First Revised Consent Decree in United States, et al. v. Marathon Ashland Petroleum LLC, Civil No. 01-40119, subject to the public notice and comment requirements of 28 C.F.R. § 50.7.

FOR PLAINTIFF THE UNITED STATES OF AMERICA:

s/ with the consent of Ronald J. Tenpas
RONALD J. TENPAS
Assistant Attorney General
Environment and Natural Resources Division
United States Department of Justice

s/ Annette M. Lang
ANNETTE M. LANG
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STEPHEN J. MURPHY
United States Attorney for the
Eastern District of Michigan

By: s/ with the consent of Ellen Christensen
ELLEN CHRISTENSEN
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WE HEREBY CONSENT to the entry of the First Modification of the First Revised Consent Decree in United States, et al. v. Marathon Ashland Petroleum LLC, Civil No. 01-40119, subject to the public notice and comment requirements of 28 C.F.R. § 50.7.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

s/ with the consent of Walker B. Smith
WALKER B. SMITH
Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency
Washington, D.C. 20460

WE HEREBY CONSENT to the entry of the First Modification of the First Revised Consent Decree in United States, et al. v. Marathon Ashland Petroleum LLC, Civil No. 01-40119, subject to the public notice and comment requirements.

FOR PLAINTIFF-INTERVENOR STATE OF MINNESOTA

s/ with the consent of Leo Raudys
LEO RAUDYS
Deputy Commissioner
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155

WE HEREBY CONSENT to the entry of the First Modification of the First Revised Consent Decree in United States, et al. v. Marathon Ashland Petroleum LLC, Civil No. 01-40119, subject to the public notice and comment requirements.

FOR PLAINTIFF-INTERVENOR STATE OF LOUISIANA
THROUGH THE DEPARTMENT OF ENVIRONMENTAL
QUALITY

s/ with the consent of Harold Leggett
HAROLD LEGGETT, Ph.D
Assistant Secretary
Office of Environmental Compliance
Louisiana Department of Environmental
Quality

s/ with the consent of Ted R. Broyles, II
TED R. BROYLES, II (La. Bar #20456)
Attorney Supervisor
Office of the Secretary
Legal Affairs Division
Louisiana Department of Environmental
Quality
P.O. Box 4302
Baton Rouge, Louisiana 70821-4302

WE HEREBY CONSENT to the entry of the First Modification of the First Revised Consent Decree in United States, et al. v. Marathon Ashland Petroleum LLC, Civil No. 01-40119.

FOR DEFENDANT MARATHON ASHLAND PETROLEUM LLC
(Presently known as Marathon Petroleum Company LLC)

s/ with the consent of Jerry C. Welch
JERRY C. WELCH
Senior Vice President, Refining
Marathon Ashland Petroleum LLC
(Presently known as Marathon Petroleum Company LLC)
539 S. Main St.
Findlay, OH 45840