

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
and)	Civil Action No. 4:01-CV-40119-PVG
)	Judge Mark A. Goldsmith
COUNTY OF WAYNE, MICHIGAN,)	
STATE OF LOUISIANA, STATE OF)	
MINNESOTA,)	
)	
Plaintiff-Intervenors,)	
)	
v.)	
)	
MARATHON ASHLAND PETROLEUM)	
LLC)	
)	
Defendant.)	
_____)	

**THIRD MODIFICATION TO THE NOVEMBER 2005
FIRST REVISED CONSENT DECREE**

WHEREAS, on August 30, 2001, this Court entered a Consent Decree (“August 2001 Consent Decree”) among the United States of America (hereinafter “the United States”) as Plaintiff; the County of Wayne, the State of Louisiana, and the State of Minnesota as Plaintiff-Intervenors; and Marathon Ashland Petroleum LLC (“MAP”) as Defendant;

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

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a First Revised Consent Decree (“November 2005 First Revised Consent Decree” or “Consent Decree”) that replaced and superseded the August 2001 Consent Decree, as amended;

WHEREAS, on March 31, 2008, and June 30, 2010, this Court entered a First and Second Modification, respectively, to the November 2005 First Revised Consent Decree;

WHEREAS the November 2005 First Revised Consent Decree as amended by the First and Second Modifications shall be termed the “November 2005 First Revised Consent Decree” or simply “Consent Decree”;

WHEREAS, on or about September 1, 2005, MAP changed its name to Marathon Petroleum Company LLC, and on October 1, 2010, Marathon Petroleum Company LLC changed its name to Marathon Petroleum Company LP (“MPC”);

WHEREAS, as reflected in this Third Modification, the United States and MPC have agreed upon certain additional modifications of the Consent Decree;

WHEREAS these modifications involve only the Robinson, Illinois refinery (“Robinson Refinery”) and the Detroit, Michigan refinery (“Detroit Refinery”);

WHEREAS the State of Illinois is not a party to this Decree and therefore its consent to the modifications relating to the Robinson Refinery is not required;

WHEREAS the County of Wayne withdrew as a party to this Decree after the State of Michigan withdrew its authority to enforce the Michigan air pollution control laws; therefore, its consent to the modifications relating to the Detroit Refinery likewise is not required;

WHEREAS, the United States and MPC (“Parties to this Third Modification”) recognize, and the Court by entering this Third Modification finds, that this Third Modification has been negotiated at arms length and in good faith and that this Third 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 Third Modification, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

MODIFIED AND ADDED PROVISIONS

1. The November 2005 First Revised Consent Decree shall remain in full force and effect in accordance with its terms except that certain paragraphs of the Consent Decree are modified as set forth in Paragraphs 2-4 below.

2. Section V, Paragraphs 12.I.iv and 12.I.v of the Consent Decree shall be deleted.

3. Section V, Paragraph 12.I.vi of the Consent Decree shall be revised as follows:

“12.I. vi. NOx Emission Limits for Canton, Catlettsburg, Detroit, Garyville, Robinson and St. Paul Park Refineries. MPC shall comply with the following NOx emission limits at the following FCCUs by the following dates:

<u>FCCU</u>	<u>7-day rolling average limit (0% oxygen)</u>	<u>365-day rolling average limit (0% oxygen)</u>	<u>Date of Compliance</u>
Canton	72 ppmvd	52 ppmvd	Lodging of First Modification
Catlettsburg	50 ppmvd	30 ppmvd	Lodging of First Modification
Detroit	123 ppmvd	70 ppmvd	Lodging of Third Modification
Garyville	61 ppmvd	41 ppmvd	Lodging of First Modification
St. Paul Park	90 ppmvd	70 ppmvd	Lodging of First Modification
Robinson	74.2 partial burn 95.6 full burn*	54.2 ppmvd	Lodging of Third Modification

*“Full burn” is defined as carbon monoxide concentration from the FCCU of less than 0.2%.”

4. A new Paragraph, labeled 13.L, shall be added at the end of Section V, Paragraph 13:

“13.L By no later than December 31, 2013, MPC shall install ultra low-NOx burners on the Regular Coker Heater (identified as 90-F-1) at the Robinson Refinery. The reductions achieved by this installation will be in addition to those required by Paragraph 13.B.”

* * * *

IT IS SO ORDERED this 13th day of December, 2012.

Dated: December 13, 2012
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 13, 2012.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager

WE HEREBY CONSENT to the entry of the Third Modification of the November 2005 First Revised Consent Decree in United States, et al. v. Marathon Ashland Petroleum LLC, Civil No. 01-40119 (E.D. MI), subject to the public notice and comment requirements of 28 C.F.R. § 50.7.

FOR PLAINTIFF THE UNITED STATES OF AMERICA

s/ with consent of Ignacia S. Moreno
IGNACIA S. MORENO
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s/ Annette M. Lang
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UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

s/ with consent of Susan Shinkman

SUSAN SHINKMAN

Director, Office of Civil Enforcement

Office of Enforcement and Compliance Assurance

United States Environmental Protection Agency

Washington, D.C. 20460

s/ with consent of John Fogarty

JOHN FOGARTY

Associate 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 Second Modification of the November 2005 First Revised Consent Decree in United States, et al. v. Marathon Ashland Petroleum LLC, Civil No. 01-40119 (E.D. MI).

FOR DEFENDANT MARATHON PETROLEUM
COMPANY LLC

s/ with consent of Rich Bedell

RICH BEDELL

Senior Vice President, Refining

Marathon Petroleum Company LLC

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