

# Proposed Enforcement Summary

## Marathon Petroleum Company, LP

The Michigan Department of Environment, Great Lakes, and Energy, Air Quality Division (AQD), is asking for comments from the public on a proposed Consent Order for Marathon Petroleum Company, LP (Marathon). The AQD will accept comments on the proposed Consent Order until the close of the comment period on September 28, 2020, or at the public hearing on September 2, 2020. We will review all comments before we make a final decision on the proposed Consent Order.

### What does Marathon currently do?

Marathon is a petroleum refinery. It processes crude oil into gasoline, distillates, propane, asphalt, and other products. Both sweet and sour crude oils are processed at the refinery in Detroit.

### What is a Consent Order?

A Consent Order is a legally enforceable voluntary settlement containing a compliance program to resolve alleged air quality violations, and prevent future violations, as well as a monetary fine.

### Why does Marathon need a Consent Order?

From September 2017 to January 2020, AQD issued ten violation notices to Marathon alleging violations of state and federal air quality rules and regulations and the requirements of its air permit. The alleged violations include:

- Exceeding the particulate matter (PM), hydrogen sulfide (H<sub>2</sub>S), and visible emission limits for several processes.
- Failing to continuously monitor flares.
- Failing to maintain the minimum inlet velocity to the primary internal cyclones of the Fluid Catalytic Cracking Unit.
- Failing to properly vent and combust gases in the Coker Flare, and
- Emitting nuisance odors on multiple occasions.

Due to the number and significance of these violations, the AQD is taking this enforcement action. To settle this action, the AQD and Marathon agreed to enter into this proposed Consent Order.

### What does the proposed Consent Order require Marathon to do?

The proposed Consent Order requires Marathon to pay a fine and follow a compliance program to prevent similar violations in the future, which includes the following:

- Comply with the PM, H<sub>2</sub>S, and visible emission limits in its air permit.
- Comply with the AQD approved Startup, Shutdown, and Malfunction Plan.
- Continually monitor emissions from flares and properly operate them.
- Increase testing to show compliance with the PM emission limits.
- Submit and follow multiple plans and procedures to prevent malfunctions that may cause emission violations; and
- Submit and follow a plan for Post-Incident Community Air Monitoring.

Marathon will also spend \$282,000 on two Supplemental Environmental Projects (SEPs) and pay a monetary fine of \$81,853. Additionally, the proposed Consent Order includes specific fines Marathon must pay if it does not meet the requirements detailed in the order.

### What is a SEP?

A SEP is an environmental or public health project a company volunteers to do as part of an enforcement action. The project must go above and beyond what is required by the law and provide added benefits to the community or ecosystem affected by the violations.

### What SEPs will Marathon do?

Marathon will retrofit an existing air handling system at the Mark Twain School for Scholars, located at 12800 Visger Street in Detroit. The retrofit will include air conditioning, enhanced air filtration, and air purification using Photo Hydro Ionization. This project will improve the indoor air quality for students, teachers and other workers and community members who visit the school.

Marathon will also create a public online platform that will share real-time air quality data at the perimeter of

the refinery. This platform will share carbon monoxide, PM, sulfur dioxide, total reduced sulfur, and volatile organic compound data on the [Detroit Refinery Community Website](#).

Marathon solicited feedback from multiple community stakeholders during the development of these SEPs.

### How was the monetary fine determined?

An initial monetary fine was calculated using the United States Environmental Protection Agency Clean Air Act Stationary Source Civil Penalty Policy. The penalty policy takes into account several factors, including actual or possible harm caused by the violation(s), the length of time of the violation(s), the sensitivity to the environment, importance to achieving the goals of the Clean Air Act and Michigan's Air Pollution Control Rules, the history of noncompliance, and the size of the violator. The monetary fine amount was then agreed to by Marathon and AQD.

### Where can I find more information?

There are three ways to find out more information about the proposed Consent Order. The [Enforcement Public Notice page](#) contains:

1. The Enforcement Staff Report has additional details about the proposed Consent Order,
2. The proposed Consent Order, and
3. AQD staff can provide additional information upon request.

### Summary:

The AQD has prepared a proposed Consent Order containing an adequate compliance program and specific monetary penalties. We are recommending this proposed Consent Order be signed to legally bind Marathon to this agreement.

However, before the AQD makes a decision on the proposed Consent Order, we are requesting comments from the public. The AQD will review all comments received during the public comment period and during the public hearing. The comment period ends at the close of day on September 28, 2020. Once the comments are reviewed, the AQD will decide whether to enter into the proposed Consent Order as written or

renegotiate the terms with Marathon based on the comments received.

### How can I participate in the process?

The AQD welcomes participation in this enforcement process. There are several ways to get information, ask questions or submit an official comment about the proposed Consent Order.

1. [Attend the Virtual Public Informational Session](#) on August 5, 2020. If you do not have internet access and would like to call in to the hearing, you may call 312-626-6799, use access code 984 4078 1129.
2. [Attend the Virtual Public Hearing](#) on September 2, 2020. If you do not have internet access and would like to call in to the hearing, you may call 312-626-6799, use access code 984 3522 2168.

Pre-registration is not required to attend either virtual meeting. Individuals interested in participating can click the meeting link at the start of the event (6:00 PM). Individuals concerned about remaining anonymous may enter first name and last name initial when signing in. If you do not want to enter your email address, just enter [EGLMeeting@mi.gov](mailto:EGLMeeting@mi.gov) in the email field. NOTE: if you use this email address you will not receive follow up information normally sent to attendees at the event.

3. Submit an Official Comment. Prior to making a comment, it is a good idea to "[View an Example](#)" of how to do it. This document can be found by going to Michigan.gov/Air, choose "choose "Enforcement Program" then choose "[Proposed Consent Order Public Notice Documents](#)".

The AQD can take comments any time during the comment period. Comments can be submitted via email to [MoranE@Michigan.gov](mailto:MoranE@Michigan.gov) and via voicemail by calling 517-284-0900. The AQD will also take comments during the [Public Hearing](#) on September 2, 2020.

### Who can I contact?

For more information about the proposed Consent Order, please contact Ms. Erin Moran, AQD, at: [MoranE@Michigan.gov](mailto:MoranE@Michigan.gov) or 517-275-0883