

ILLINOIS POLLUTION CONTROL BOARD  
August 15, 1996

SHELL OIL PRODUCTS COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 96-236
	)	(Variance - Land)
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by E. Dunham):

On May 17, 1996 Shell Oil Products Company (Shell) filed a document titled "Petition for Variance". The filing details the history of the denial by the Illinois Environmental Protection Agency (Agency) of Shell's request for a "No Further Action" determination for its facility at 9560 West 159th Street, Orland Park, Illinois. Shell appealed the Agency's denial which is currently before the Board in Shell Oil Company v. IEPA, PCB 96-48. However, the petition in this matter requests the Board "to grant a variance from the requirements of 35 Ill. Adm. Code 732.408", and additionally cites Section 14.2 of the Illinois Environmental Protection Act (Act).

By order dated June 6, 1996 the Board stated that Shell's petition failed to satisfy the informational requirements of either part 104 or part 106 of the Board's regulations. The Board directed Shell to file an amended petition which clarifies whether its action is a petition for variance pursuant to Section 35 of the Act and which satisfies the informational requirements of 35 Ill. Adm. Code 104, or whether its action is a petition for an adjusted standard pursuant to Section 14.2 of the Act and which satisfies the informational requirements set forth in 35 Ill. Adm. Code 106 *et seq.* The Board directed Shell to file an amended petition on or before July 22, 1996 and warned that failure to do so could subject its action to dismissal.

The Board never received an amended petition from Shell; therefore, the Board dismisses this matter and closes the docket.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (*See also* 35 Ill. Adm. Code 101.246 "Motions for Reconsideration.")

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 1996, by a vote of \_\_\_\_\_.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board