

ILLINOIS POLLUTION CONTROL BOARD
September 9, 1993

Mobil Oil Corporation,)
)
Petitioner,)
)
v.) PCB 93-166
) (Variance)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by R.C. Flemal):

On September 7, 1993, Mobil Oil Corporation filed a petition for variance from 35 Ill. Adm. Code 218.586 for 95 facilities located in various counties in the Chicago Metropolitan Statistical Area. That petition is deficient in that it fails to provide certain information.

Pertaining to the petition as a whole, the Board notes that Mobil has requested a variance applicable to each of 95 different facilities without providing information specific to each facility or explaining why factual information or circumstances (e.g., on arbitrary or unreasonable hardship) may or may not be different for each facility.

In addition, the Board notes that information is specifically lacking concerning:

The names and addresses of each affected facility and the location of the nearest air monitoring station, pursuant to 35 Ill. Adm. Code 104.121(d).

An assessment, with supporting factual information, of the environmental impact that the variance will impose on human, plant and animal life in the affected area, including, where applicable, data describing the existing air and water quality which the discharge may affect, as required by 35 Ill. Adm. Code 104.121(g) (emphasis added);

A concise factual statement of the reasons the petitioner believes that compliance with the particular provisions of the regulations or Board order would impose an arbitrary or unreasonable hardship; as required by 35 Ill. Adm. Code 104.121(k).

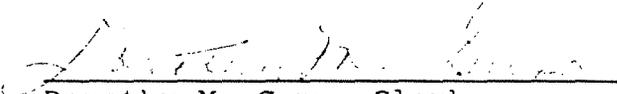
You are also referred to the Board's procedural rules at Section 101.103 and Appendix A for form of documents requirements.

The Board further notes that "group variances" of the sort requested here are uncommon and have only been granted in certain unusual circumstances. (Village of Bloomingdale v. IEPA (Nov. 2, 1978), PCB 78-124, 32 PCB 23; Hanna City v. IEPA (April 18, 1985), PCB 85-40, 63 PCB 503.). The Board accordingly requests that petitioner brief the issue of the need for a "group variance" versus some alternate form of relief. Lastly, the Board notes that if a group variance is to proceed, it desires briefs on the issue of whether it is required that a hearing be held in each of the affected counties.

Unless an amended petition is filed within 45 days of the date of this order, curing the above-noted defect(s), this matter will be subject to dismissal. The Board notes that for purposes of calculation of the decision deadline pursuant to Section 38 of the Act, the filing of an amended petition will restart the Board's 120-day deadline.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 9th day of September, 1993, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board