ILLINOIS POLLUTION CONTROL BOARD
February 17, 1977

UNION OIL COMPANY OF CALIFORNIA, (Lemont Refinery), Petitioner,	)	
v.	)	PCB 76-303
ENVIRONMENTAL PROTECTION AGENCY, Respondent.	)	

ORDER OF THE BOARD (by Mr. Zeitlin):

The original Petition for Variance in this matter was filed on November 22, 1976. On December 22, 1976, this Board entered an Interim Order finding that Petition inadequate, and ordering that additional information be filed within 45 days. Pursuant to an extension of that period subsequently granted, Petitioner filed an Amendment to Petition on February 14, 1977.

Both the Petition and the Amendment thereto state that the conditions upon our Variance grant in PCB 75-342, which all parties agreed should achieve total compliance with the relevant cyanide effluent standard, have been complied with. Petitioner requests extension of a Variance from the cyanide standards. To be eligible for such a Variance, it must be shown that one is needed; i.e., a violation of that standard exists, or soon will exist. That has not been done.

Petitioner alleges that it needs a Variance because the Agency has not issued a permit for the work ordered in PCB 75-342 as a final compliance plan. That issue cannot form the basis for the relief requested in the instant matter. Petitioner is free to appeal any Agency permit decision, or to seek Variance from any Regulation with regard to which it feels it may be exposed to enforcement proceedings.

The matter is dismissed as moot.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 17th day of February, 1977, by a vote of 4-0.

Christan L. Moffett, Clerk
Illinois Pollution Control Board