

ILLINOIS POLLUTION CONTROL BOARD  
August 20, 1998

EQUILON ENTERPRISES L.L.C.,	)	
ARGO TERMINAL,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 99-32
	)	(Provisional Variance - Water)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by C.A. Manning):

On August 18, 1998, the Illinois Environmental Protection Agency (Agency) filed a request for provisional variance and notification of recommendation. The Agency recommends that the Board grant a 45-day provisional variance. The provisional variance would allow the petitioner's Cook County facility to discharge hydrostatic test water offsite through its existing outfall, permitted under National Pollutant Discharge Elimination System (NPDES) Permit No. ILR001072, to allow for repair and testing of a petroleum tank. In making its recommendation, the Agency states that failure to grant the requested provisional variance for 45 days will result in an arbitrary or unreasonable hardship on the petitioner.

The Board grants the petitioner a provisional variance from 35 Ill. Adm. Code 304.141, which prohibits discharge not specifically allowed by permit. The Board is required, in a provisional variance, to adopt a formal order, assure formal maintenance of the record, assure the enforceability of the variance, and provide notification of the action by press release. Pursuant to Section 35(b) of the Environmental Protection Act (415 ILCS 5/35(b) (1996)), the Board must issue the provisional variance within two days of the filing.

The Board hereby grants the petitioner a provisional variance beginning on a date in 1998, and continuing for 45 days thereafter, subject to the following conditions:

1. This variance period shall commence when petitioner begins discharging the water used for the hydrostatic testing and continue until the discharge is completed, but not longer than 45 days.
2. Petitioner shall notify Robert Sulski at the Agency's Maywood regional office by telephone, at 708/531-5900, when the water used for the hydrostatic testing begins to be discharged and again when the process is completed. Petitioner shall confirm this notice in writing within five days, addressed as follows:

Illinois Environmental Protection Agency  
Bureau of Water - Compliance Assurance Section  
Attention: Mark T. Books  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

4. Petitioner should sign a certificate of acceptance of this provisional variance and forward that certificate to the Agency within ten days of the date of this order. The certification should take the following form:

CERTIFICATION

I (We), \_\_\_\_\_, hereby accept and agree to be bound by all terms and conditions of the order of the Pollution Control Board in PCB 99-32, August 20, 1998.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Authorized Agent

\_\_\_\_\_  
Title

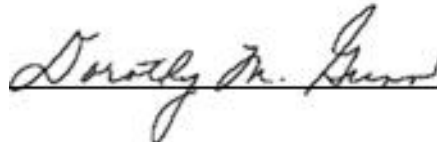
\_\_\_\_\_  
Date

IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; 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 20th day of August 1998 by a vote of 6-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board