

ILLINOIS POLLUTION CONTROL BOARD

December 5, 1996

IN MATTER OF: )  
)  
Petition of Shell Wood River Refining ) AS 97-3  
Company for Adjusted Standard from 35 Ill. ) (Adjusted Standard - RCRA)  
Adm. Code 725.213 and 725.321. )

ORDER OF THE BOARD (by J. Yi):

This matter comes before the Board on a petition for adjusted standard filed September 3, 1996, by Shell Wood River Refining Company (Shell or petitioner) located near Roxana Illinois, Madison County. Shell is requesting an adjusted standard from the closure and design provisions of 35 Ill. Adm. Code 725.213 and 725.321 respectively; petitioner seeks to delay closure of certain wastewater treatment ponds at its Wood River facility so as to use the ponds to treat nonhazardous waste. In accordance with 35 Ill. Adm. Code 106.712, Shell notified the Board on October 2, 1996, that it caused notice to be timely published in the, Alton Telegraph. Additionally Shell has met all the applicable informational requirements; however, this does not mean Shell has demonstrated its burden before the Board.

On October 4, 1996 the Illinois Environmental Protection Agency (Agency) filed a motion for an extension of time to file the Agency's response. The Agency requested the Board to grant an extension of 60 days due to the voluminous documentation submitted by petitioner. Pursuant to 35 Ill. Adm. Code 106.714 the Agency's response was due on October 3, 1996. The Board granted the Agency's motion until December 3, 1996.

On December 2, 1996 the Agency filed another request for an extension of time to file its response. The Agency states that they are actively engaged in negotiations with petitioners. The Agency maintains that it believes that petitioner will be filing an amended petition in the near future. Therefore, the Agency asserts that it will be the best use of resources of all concerned to allow the Agency to wait to file a response to the amended petition instead of requiring a response to the petition filed on September 3, 1996. The Agency requests that the Board grant an extension until 21 days after the amended petition is filed or 21 days after petitioner notifies the Board that no amended petition will be filed. The Agency asserts that "[c]ounsel for petitioner has been consulted and has authorized the Illinois EPA to state that it has no objection to this Motion".

The Board grants the Agency's motion for an extension of time to file its response. The Agency's response is now due 21 days after the petitioner files an amended petition. The Board directs the petitioner to notify the Board if it does not intend to file an amended petition. If the petitioner notifies the Board that it does not intend to file an amended petition, the Agency has 21 days from the date petitioner notifies the Board to file a response. All future requests for extensions of time should be directed to the hearing officer and filed with the Board.

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 \_\_\_\_ day of \_\_\_\_\_, 1996, by a vote of \_\_\_\_\_.

---

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board