

ILLINOIS POLLUTION CONTROL BOARD
November 21, 1996

MARATHON OIL COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 96-254
)	(Variance - Air)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Yi):

On November 19, 1996 Marathon Oil Company (Marathon) filed a motion for clarification of the Board's November 7, 1996 opinion and order. Marathon states that the Board in rendering its opinion imposed conditions to the grant of the variance. Marathon asserts "[l]ike conditions were also requested by the Illinois Environmental Protection Agency ("Agency") and complied with by Marathon, as a condition to the Agency's recommendation that the Board grant the variance as requested." Marathon contends that since the hearing it has tested the Fluidized bed Catalytic Cracking Unit (FCCU) using United States Environmental Protection Agency methods and is awaiting results. Marathon also maintains that FCCU is in compliance when measured by its own parametric monitoring standards and is also in compliance with the opacity standards.

Marathon believes that the opinion is unclear in stating that, a) the conditions apply during the variance period, and not thereafter, b) and the conditions are not sequentially numbered, listing one through four (1-4) and then seven through nine (7-9). Marathon is requesting the Board to clarify its order concerning these matters. As of the date of this order we have not received a response from the Agency.

Marathon is correct that the imposed conditions are derived from the Agency's recommendation and the Board is cognizant of the fact that Marathon believes it has complied with those conditions during the variance term as stated in its motion for clarification and at hearing. The Board did not intend to impose any conditions beyond those suggested in Agency's recommendation. The Board only intended to include seven (7) conditions and the numbering was in error. The conditions should have been numbered one through seven (1-7). It was the Board's intent that certain conditions would apply only during the retroactive variance period. Those conditions are, under the correct numbering, three, five and six. Conditions one and two were intended to apply after the variance since the variance term is completely retroactive. Condition four merely directed Marathon to submit the information generated from conditions one, two and three to individuals at the Agency. Finally, condition seven was the term of the variance which did not require Marathon to take action.

The Board grants Marathon's motion for clarification. The Board vacates the order portion of its November 7, 1996 opinion and order and adopts this order to reflect that correct numbering of the conditions. The Board notes that Marathon is not required to provide any additional testing as the result of the Board adopting a new order today. However, Marathon will have an additional 45 days to sign the attached variance certification from the date of this order.

ORDER

The Board hereby grants the petitioner, the Marathon Oil Company, a variance from 35 Ill. Adm. Code 212.123 and 212.381, from June 14, 1996 until September 5, 1996 for its petroleum refinery located near the City of Robinson in Crawford County subject to the following conditions:

- 1) Petitioner conducts FCCU mass emission tests according to USEPA methods 1-4 and 5 within 30 days of issuance of this variance;
- 2) Petitioner conducts subsequent mass emission tests according to the same methods within 30 days of receipt of the first test results;
- 3) Any complaints regarding emissions from Marathon shall be forwarded to the Regional Office in Collinsville within twenty-four hours.
- 4) A copy of all test results and reports required to be submitted to the Agency pursuant to this variance shall be submitted to each of the following offices:

Dave Kolaz, Manager
Compliance & Systems Management
Bureau of Air
Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, IL 62794-9276

John Justice, Regional Manager
Field Operations Section
Bureau of Air
Illinois Environmental Protection Agency
2009 Mall Street
Collinsville, IL 62234

- 5) Petitioner's emission did not exceed a 30 day rolling average for particulate matter emissions of 450 pounds per hour based on the parametric monitoring during the variance period;

- 6) Petitioner's opacity did not exceed 45% for a period of more than 12 consecutive hours or exceeded 60% for more than 24 minutes in any 24 hour period during the variance period; and
- 7) The variance period commenced on June 14, 1996 and expired on September 5, 1996.

IT IS SO ORDERED.

Board Members Marili McFawn and Kathleen M. Hennessey abstained.

If the petitioner chooses to accept this variance subject to the above order, within forty-five days of the grant of the variance, the petitioner must execute and forward the attached certificate of acceptance and agreement to:

James J. O'Donnell
 Illinois Environmental Protection Agency
 Division of Legal Counsel
 P.O. Box 19276
 Springfield, IL 62794-9276

Once executed and received, that certificate of acceptance and agreement shall bind the petitioner to all terms and conditions of the granted variance. The 45-day period shall be held in abeyance during any period that this matter is appealed. Failure to execute and forward the certificate within 45-days renders this variance void. The form of certificate is as follows:

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 96-254, November 21, 1996.

Petitioner _____

Authorized Agent _____

Title _____

Date _____

Section 41 of the Environmental Protection Act (415 ILCS 5/41) provides for the appeal of final Board orders within 35 days of the date of service of this order. (See also 35 Ill. Adm. Code 101.246, Motion 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 _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board