

ILLINOIS POLLUTION CONTROL BOARD

July 18, 1996

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

ORDER OF THE BOARD (by J. Yi):

On June 14, 1996 Marathon Oil Company (Marathon) filed a petition for variance regarding its refinery near the City of Robinson, Crawford County, Illinois. In our order of June 20, 1996, we found the petition to be deficient and ordered Marathon to file an amended petition within 45 days of that order.

On June 21, 1996, the Illinois Environmental Protection Agency (Agency) filed a motion to dismiss. The Agency argues that the petition filed by Marathon is deficient because it fails to meet the minimal requirements of 35 Ill. Adm. Code 104.121. The Agency requests the Board to dismiss Marathon's petition or in the alternative grant the Agency 14 days from the date the Board enters its order concerning the Agency motion to dismiss to file the Agency's recommendation in this matter.

On June 24, 1996, Marathon filed a response to the Agency's motion to dismiss. In the response Marathon states that it intends to file an amended petition within the time allowed by the Board's order of June 20, 1996. Marathon concludes that the Agency's motion is therefore moot.

On July 10, 1996, Marathon filed an amended petition. The amended petition satisfactorily addresses all of the Board's concerns as mentioned in our June 20, 1996 order and meets the requirements of 35 Ill. Adm Code 104.121. As a result of the amended petition the Board denies the Agency's motion to dismiss. Additionally, since Section 104.180 of the Board procedural rules allows the Agency to file its recommendation within 30 days from the date of filing of Marathon's amended petition the request for alternative relief is unnecessary. Furthermore, since there was an amended petition filed in this matter the Board's 120 day decision deadline in this case will restart on July 10, 1996, the date the amended petition was filed. This matter is accepted for hearing.

The hearing must be scheduled and completed in a timely manner, consistent with Board practices and the applicable statutory decision deadline, or the decision deadline as

extended by a waiver (petitioner may file a waiver of the statutory decision deadline pursuant to 35 Ill. Adm. Code 101.105). The Board will assign a hearing officer to conduct hearings consistent with this order, and the Clerk of the Board shall promptly issue appropriate directions to that assigned hearing officer.

The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 40 days in advance of hearing so that public notice of hearing may be published. After hearing, the hearing officer shall submit an exhibit list, a statement regarding credibility of witnesses and all actual exhibits to the Board within five days of the hearing. Any briefing schedule shall provide for final filings as expeditiously as possible and, in time-limited cases, no later than 30 days prior to the decision due date, which is the final regularly scheduled Board meeting date on or before the statutory or deferred decision deadline. Absent any future waivers of the decision deadline, the statutory decision deadline is now November 7, 1996 (120 days from July 10, 1996); there is a Board meeting presently scheduled for November 7, 1996.

If after appropriate consultation with the parties, the parties fail to provide an acceptable hearing date or if after an attempt the hearing officer is unable to consult with the parties, the hearing officer shall unilaterally set a hearing date in conformance with the schedule above. The hearing officer and the parties are encouraged to expedite this proceeding as much as possible. The Board notes that Board rules (35 Ill. Adm. Code 104.180) require the Agency to file its recommendation for disposition of the petition within 30 days of filing of the petition.

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 \_\_\_\_\_.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board