

ILLINOIS POLLUTION CONTROL BOARD

June 6, 1996

SHELL OIL PRODUCTS COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 96-236
)	(Variance -Land)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Theodore Meyer):

On May 17, 1996 Shell Oil Products Company (Shell) filed a document titled "Petition for Variance". The filing details the history of the denial by the Illinois Environmental Protection Agency (Agency) of Shell's request for a "No Further Action" determination for its facility at 9560 West 159th Street, Orland Park, Illinois. Shell appealed the Agency's denial which is currently before the Board in Shell Oil Company v. IEPA, PCB 96-48. However, the petition in this matter requests the Board "to grant a variance from the requirements of 35 Ill. Adm. Code 732.408", and additionally cites Section 14.2 of the Illinois Environmental Protection Act (Act).

Variance relief is allowed pursuant to section 35 of the Act and 35 Ill. Adm. Code 104, and can be granted only for five (5) years, at which time the facility must be in compliance with the Act and Board regulations. If permanent relief from Section 14.2 is sought, a party must request an adjusted standard pursuant to the Water Well Setback Exception procedures as set forth in 35 Ill. Adm. Code 106.601 et seq.

This petition fails to satisfy the informational requirements of either part 104 or part 106. Shell is accordingly directed to file, within forty-five (45) days of the date of this order, an amended petition which clarifies whether this action is a petition for variance pursuant to section 35 of the Act and which satisfies the informational requirements of 35 Ill. Adm. Code 104, or whether this action is a petition for an adjusted standard pursuant to section 14.2 of the Act and which satisfies the informational requirements set forth in 35 Ill. Adm. Code 106 et seq.

If the petitioner intends this action to be a Section 35 variance, the 120-day decision time clock will restart upon the filing of a sufficient variance petition. If Shell fails to file an amended petition on or before July 22, 1996, this action may be subject to dismissal.

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