

ILLINOIS POLLUTION CONTROL BOARD
May 11, 1995

INDIAN REFINING)
LIMITED PARTNERSHIP,)
)
Petitioner,)
)
v.) PCB 95-140
) (Provisional Variance-Air)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

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

Pursuant to Section 35(b) of the Environmental Protection Act (Act) (415 ILCS 5/35(b)), Indian Refining Limited Partnership has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow Indian Refining Limited Partnership to continue operating during a period of petroleum refinery repairs. Such request for a provisional variance and the Notification of Recommendation was filed with the Board by the Agency on Tuesday, May 9, 1995. Pursuant to Section 35(b) of the Act, the Board must issue the variance within two (2) days of this filing.

Specifically, the Agency recommends that we grant Indian Refining Limited Partnership a forty-five (45)-day provisional variance for its Lawrence County facility from the prohibitions against air pollution and operating a source during a period of malfunction and from certain Sulfur Dioxide requirements of the air pollution regulations, as set forth in 35 Ill. Adm. Code 201.141, 201.149, 214.100 and 214.162 for the period beginning April 10, 1995 and continue for forty-five (45)-days or until the required repairs to the Fluid Catalytic Cracking Unit, Alkylation Unit No. 2 and the Vacuum Pipe Still are completed, whichever comes first.

The Agency's provisional variance recommendation states that Indian Refining Limited Partnership operates a petroleum refinery in Lawrenceville, Lawrence County, Illinois. The provisional variance is being requested so that petitioner may operate its Feed Preparation Unit charge heater, Hydrotreating Unit No. 1. charge heater, Hydrotreating Unit No. 2. charge heater, Hydrotreating Unit No. 3. charge heater, Naphtha Stabilizer Reboiler heater, Catalytic Reformer Unit charge heater, and boilers No. 1, 2, and 3. Indian Refining Limited Partnership seeks the provisional variance to operate beginning April 10, 1995 and continue for forty-five (45)-days or until the required repairs to the Fluid Catalytic Cracking Unit, Alkylation Unit No. 2 and the Vacuum Pipe Still are completed, whichever comes first.

Upon receipt of the request, the Agency issued its recommendation, notifying the Board that due to unforeseen, temporary and uncontrollable circumstances, failure to grant the requested forty-five (45)-day provisional variance would impose an arbitrary or unreasonable hardship on the petitioner.

Provisional variances are by their very nature temporary. The responsibilities of the Agency and the Board in these short-term provisional variances are different from the responsibilities in standard variances. (See 415 ILCS 5/35(b) & 36(c)). In provisional variances it is the responsibility of the Agency to make the technical determinations and finding of arbitrary or unreasonable hardship. The Board's responsibility is to adopt a formal order, to assure the formal maintenance of the record, to assure the enforceability of the variance, and to provide notification of the action by a press release.

Having received the Agency recommendation notifying the Board that a denial of the requested relief would impose an arbitrary or unreasonable hardship, the Board hereby grants the petitioner a provisional variance from 35 Ill. Adm. Code 201.141, 201.149, 214.100 and 214.162 for the period beginning April 10, 1995 and continue for forty-five (45)-days or until the required repairs to the Fluid Catalytic Cracking Unit, Alkylation Unit No. 2 and the Vacuum Pipe Still are completed, whichever comes first, subject to the following conditions:

1. The term of this provisional variance shall commence on April 10, 1995 and it shall expire on the date the petitioner completes the required repairs to the Fluid Catalytic Cracking Unit, Alkylation Unit No. 2 and the Vacuum Pipe Still, or after forty-five (45) days have elapsed, whichever comes first;
2. The petitioner shall notify the Agency upon completion of maintenance and startup of the Fluid Catalytic Cracking Unit, Alkylation Unit No. 2 and the Vacuum Pipe Still. Such notification shall be sent to:

Compliance and Systems Management Section
2200 Churchill Road, P.O. Box 19276
Springfield, Illinois 62794-9276

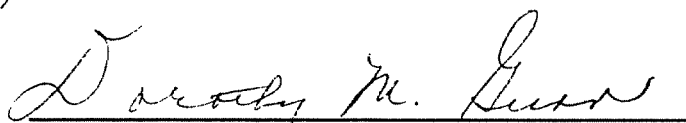
Attention: Yeric Yarrington

3. Indian Refining Limited Partnership shall maintain records of the H₂S content of the refinery fuel gas burned during the period covered by the provisional variance. Indian Refining Limited Partnership Shall also maintain records of SO₂ emissions during the period covered by the provisional variance. Such records shall be submitted to the

Agency upon expiration of this provisional variance. The records shall be submitted to the Agency addressed as is the written notice required in the above condition.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted on the 11th day of May, 1995, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board