

ILLINOIS POLLUTION CONTROL BOARD  
October 27, 1993

MOBIL OIL CORPORATION,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 93-199
	)	(Provisional Variance)
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)), Mobil Oil Corporation has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow several of Mobil Oil Corporation's gasoline dispensing operations (service stations) to continue operating even though they will not have installed operational vapor recovery equipment by November 1, 1993. Such request for a provisional variance and the Notification of Recommendation was filed with the Board by the Agency on Tuesday, October 26, 1993. 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 Mobil Oil Corporation a 45-day provisional variance for forty-five (45) of its facilities located in Cook, DuPage, Kendall, and Lake Counties in the Chicago metropolitan statistical area from the Stage II vapor recovery requirements, as set forth in 35 Ill. Adm. Code 218.586, for the period beginning November 1, 1993, and continuing for forty-five (45) days or until the required vapor recovery equipment is installed, whichever comes first.

The Agency's provisional variance recommendation states that Mobil Oil Corporation has requested a provisional variance on behalf of numerous of its service stations in the Chicago area, located as follows:

<u>County</u>	<u>Number of Stations</u>
Cook	23
DuPage	15
Lake	6
Kendall	1

The addresses of those stations are listed as follows:

<u>County</u>	<u>City or Village</u>	<u>Street Address</u>
---------------	------------------------	-----------------------

Cook	Alsip	4000 W. 127th Street
Cook	Arlington Heights	3005 E. Rand Road
Cook	Buffalo Grove	1200 W. Dundee Road
Cook	Buffalo Grove	10 W. Dundee Road
Cook	Chicago	4001 W. Irving Park Road
Cook	Des Plaines	800 W. Oakton Street
Cook	Des Plaines	701 Milwaukee Avenue
Cook	Elk Grove Village	1600 Nerge Road
Cook	Hoffman Estates	1700 W. Algonquin Road
Cook	Hoffman Estates	615 W. Higgins Road
Cook	Hoffman Estates	2595 W. Golf Road
Cook	Hoffman Estates	One W. Golf Road
Cook	Lincolnwood	6777 Lincoln Avenue
Cook	Matteson	4801 W. 211th Street
Cook	Orland Park	14300 96th Avenue
Cook	Palatine	1490 N. Quentin Road
Cook	Rosemont	9401 W. Higgins Road
Cook	Schaumburg	1180 S. Roselle Road
Cook	Schaumburg	780 E. Schaumburg Road
Cook	Schaumburg	1601 E. Algonquin Road
Cook	Skokie	4002 Dempster Street
Cook	Streamwood	2 S. Sutton Road
Cook	Western Springs	5500 S. Wolf Road
DuPage	Bloomington	102 E. Lake Street
DuPage	Carol Stream	870 W. Army Trail Road
DuPage	Downers Grove	2181 63rd Street
DuPage	Glendale Heights	234 Army Trail Road
DuPage	Itasca	1400 Arlington Heights Road
DuPage	Itasca	1150 W. Irving Park Road
DuPage	Lombard	435 W. Roosevelt Road
DuPage	Naperville	1420 E. Ogden Avenue
DuPage	Naperville	1598 W. Ogden Avenue
DuPage	Naperville	988 South Route 59
DuPage	Naperville	1280 W. Ogden Avenue
DuPage	Naperville	8S080 Route 59
DuPage	Willowbrook	7675 Kingery Highway
DuPage	Wood Dale	100 N. Wood Dale Road
DuPage	Woodridge	1940 75th Street
Kendall	Montgomery	1987 Douglas Avenue
Lake	Buffalo Grove	1248 N. McHenry Road
Lake	Gurnee	6155 W. Grand Avenue
Lake	Lake Bluff	2 Waukegan Road
Lake	Lake Zurich	650 S. Rand Road
Lake	Libertyville	1790 N. Milwaukee Avenue
Lake	Riverwoods	2201 Deerfield Road

Upon receipt of the request, the Agency issued its recommendation, notifying the Board that the failure to grant the requested forty-five (45)-day provisional variance would impose an arbitrary or unreasonable hardship on Petitioner. The Agency recommendation states that the Tokheim and Dresser Wayne equipment chosen by Mobil Oil Corporation for installation at its

facilities is in the final stages of obtaining but has not yet received California Air Resources Board (CARB) approval. The recommendation states that the installation of CARB-approved equipment of a different type on a temporary basis would cost Mobil Oil Corporation about \$9,000 per gasoline service station location (\$792,000 total). The recommendation further states that the equipment chosen by Mobil Oil Corp. will soon obtain CARB approval and be available for installation, but that it is impossible for Mobil Oil Corporation to meet the November 1, 1993 deadline for compliance due to the lack of the now-imminent CARB approval for the chosen equipment.<sup>1</sup>

The Agency's recommendation specifically recommends that the Board deny any provisional variance as to stations planning to install vapor recovery systems for Bennett dispensers and Gilbarco dispensers with Dresser Wayne controls. The Agency's recommendation does not itself list which of the various stations it recommends a grant and as to which it recommends a denial of the provisional variance. Rather, the recommendation directs the Board's attention to lengthy listings of stations for which Mobil Oil Corporation has requested a provisional variance. (Agency Recommendation, Attachment 5.) This has caused the Board to exclude those listed stations indicated for Bennett dispensers and Gilbarco dispensers with Dresser Wayne controls. The listings also included stations stating that they would be in compliance by November 1, 1993. The Board accordingly also excluded those stations. In sum, the Board included only forty-five (45) of the total of ninety-eight (98) stations in the listings.

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) & (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 Petitioner a provisional variance from 35 Ill. Adm. Code 218.586,

---

<sup>1</sup> The Agency's recommendation also states that 34 of the stations involved in this provisional variance are also involved in a petition for a regular variance now pending before the Board as PCB 93-166, filed September 7, 1993.

subject to the following conditions:


1. The term of this provisional variance shall commence on November 1, 1993, and it shall expire on the date the Petitioner completes the required installation of vacuum assist Stage II vapor recovery equipment, or after forty-five (45) days have elapsed, whichever comes first;
2. The Petitioner shall notify the Agency of the installation of the vapor recovery equipment, by sending notification addressed as follows:

Mr. Terry Sweitzer, P.E.  
 Manager, Air Monitoring Section  
 Illinois Environmental Protection Agency  
 Division of Air Pollution Control  
 P.O. Box 19276  
 Springfield, Illinois 62794-9276

3. Operations using Dresser Wayne or Tokheim dispensers must install vacuum assist Stage II vapor recovery equipment as soon as it becomes available.

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 27<sup>th</sup> day of October, 1993, by a vote of 5-0.

  
 \_\_\_\_\_  
 Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board