

ILLINOIS POLLUTION CONTROL BOARD

October 1, 1992

MARATHON PIPE LINE COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 92-141
	)	(Provisional Variance)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J. C. Marlin):

This matter comes before the Board on receipt of an Agency Recommendation dated September 30, 1992. The recommendation refers to a request from Petitioner, Marathon Pipe Line Company for a 45-day provisional variance for its Richland County facility from requirements of Special Condition #9 of its air pollution control operating permit (No. 73032583), which prohibits continued operation during malfunction/breakdown of any emission source or related air pollution control equipment, and from the volatile organic material emissions requirement relating to storage tank vapor loss control devices, as set forth in 35 Ill. Adm. Code 215.121(b)(1) and 215.123(b)(1), for the period beginning September 23, 1992 and continuing until Marathon installs floating roofs on its tanks, but no longer than 45 days.

The floating roof on Marathon's 55,000 bbl crude oil tank #101 failed on June 24, 1992. It plans to use tanks #1 and #3, which lack floating roofs. The Agency has granted a permit for construction of those roofs. Marathon seeks to operate tank #101 until the roofs are installed on tanks #1 and #3.

Upon receipt of the request, the Agency issued its recommendation, finding that failure to grant the requested provisional variance would impose an arbitrary or unreasonable hardship on Petitioner.

The responsibilities of the Agency and the Board in these short-term provisional variances are different from the responsibilities in standard variances. See Ill. Rev. Stat. 1991, ch. 111½, pars. 1035(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 finding that a

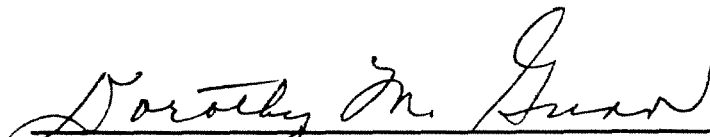
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denial of the requested relief would impose an arbitrary or unreasonable hardship, the Board hereby grants Petitioner a provisional variance from 35 Ill. Adm. Code 215.121(b)(1) and 215.123(b)(1), subject to the following conditions:

1. ~~The term of this provisional variance shall commence on September 23, 1992, and it shall expire on the date the Petitioner, Marathon Pipe Line Company completes the required maintenance work, or after 45 days have elapsed, whichever comes first;~~
2. Marathon may operate Tank #101 for no more than 45 days;
3. During the term of this provisional variance, the Petitioner shall take all reasonable steps to minimize environmental impact from the operation of Tank #101;
4. The Petitioner shall notify the Agency's Collinsville Regional office when the floating roofs for tanks #1 and #3 have been installed.
5. Marathon shall install floating roofs on Tanks #1 and #3 as soon as possible, but in no event later than 45 days after the request of this provisional variance;
6. When the floating roofs for tanks #1 and #3 are installed, Marathon shall take Tank #101 out of service;
7. Marathon shall use the five 400-bb tanks that are ready for service to minimize environmental impact as part of its compliance plan; and
8. The conditions of this variance shall be in effect for 45 days or until such time as the floating roofs on tanks #1 and #3 are installed and operable, whichever occurs first.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted by the Board on the 1<sup>st</sup> day of October, 1992, by a vote of 7-0.

  
 Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board

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