

ILLINOIS POLLUTION CONTROL BOARD  
March 11, 1992

IN THE MATTER OF: )  
 )  
PETITION OF AMOCO OIL COMPANY ) AS 91-4  
FOR ADJUSTED STANDARD FROM ) (Adjusted Standard)  
35 ILL. ADM. CODE SECTIONS )  
725.213(d)(1)(B) and 725.321(a) )

OPINION AND ORDER OF THE BOARD (by J. Anderson):

This matter comes before the Board on the petition for adjusted standard filed on May 10, 1991, by Amoco Oil Company (Amoco). Amoco requests an adjusted standard from the closure and design provisions of 35 Ill. Adm. Code 725.213(d)(1)(B) and 725.321(a) respectively; Amoco seeks to delay closure of certain wastewater treatment ponds at its Wood River facility so as to use them to treat nonhazardous waste.<sup>1</sup>

In accordance with 35 Ill. Adm. Code 106.712, Amoco notified the Board on June 10, 1991, that it caused notice to be timely published in The Telegraph (Alton) and in the Journal of Wood River Township. On June 6, 1991, the Board ordered that Amoco address certain deficiencies. On July 5, 1991, Amoco filed an amendment to its petition in response to that Board Order. On August 2, 1991, the Illinois Environmental Protection Agency (Agency) filed its response to the petition and amendment recommending approval. On August 22, 1991, the Board granted an August 15, 1991, motion by Amoco, with which the Agency concurred, to withdraw its request for hearing earlier contained in its May 10, 1991 filing. No hearing has been held.

BACKGROUND

Amoco operated its Wood River Refinery from 1908 until 1981. Operations expanded during those years to include an adjacent petroleum additives plant, marketing distribution facility, and dock facilities, all of which are still in operation. The site is located in the American Bottoms floodplain valley of the Mississippi River.

The ponds of concern are located on the east side of Amoco's Wood River Riverfront Property (property). The property is surrounded by: the Mississippi River on the west; Wood River on

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<sup>1</sup> This is the second use of the adjusted standard proceeding for delayed closure. The first, Petition of Olin Corporation, AS 90-8, February 27, 1992, includes a fuller discussion of the process, which will only partially be repeated here.

the east; Shell Oil Company on the south; and the former channel of Wood River on the north. (Pet. Introd., Appendix E, p. 3-2).

Amoco's wastewater treatment system initially consisted only of multi-acre Ponds, designated as 1, 1A, 2, 2A, 3, 3A and 4, situated on its Wood River Riverfront Property. The ponds were originally created in 1957 as borrow pits for constructing flood control levees by the Army Corps of Engineers. In 1977 Amoco added a treatment plant to the wastewater system.

After the refinery closed, the wastewater treatment plant was donated to the City of Wood River (Wood River), while Amoco retained ownership of the ponds. By agreement, Amoco must store in its ponds wastewater from what is now Wood River's Publicly Owned Treatment Works (POTW), as needed by the POTW for maintenance or other operational needs.

The Ponds constitute a RCRA surface impoundment area, and are considered part of AMOCO's interim status facility. They cover about 40 acres. Historically, the ponds were used for storage and equalization of surface water run-off and process wastewater from the now-closed refinery before treatment, as well as for managing Dissolved Air Flotation (DAF) float. While analytical data is not available to fully characterize the constituents of the process wastewater, the DAF float is a listed hazardous waste. (Pet. p. 3, 7, Appendix E; Amend. Pet. p. 3; Attach. 6, 7).

The East Surge Pond (ESP) is a designation that refers to Ponds 2, 2A, 3, 3A and 4 of the RCRA surface impoundment area, and it is the area in which these ponds are located which is the subject of this delayed closure petition. The remaining Ponds are designated as the West Surge Pond (WSP) and are to be closed; currently the WSP functions as the surge pond for Wood River's POTW.<sup>2</sup> The intended use of the ESP is to delay closure so as to continue to provide nonhazardous wastewater storage capacity for Amoco and Wood River's POTW. More specifically, the sources of wastewater will include: domestic sewage and commingled stormwater from the Cities of Wood River, Hartford, and South Roxanna; process wastewater and stormwater from Amoco's petroleum additives plant, as well as its marketing distribution and dock facilities; and groundwater pumped as part of Amoco's hydraulic gradient control and subsurface hydrocarbon recovery program, as further discussed below. (Pet. p. 7, Agency Resp. p. 1, 2).<sup>3</sup>

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<sup>2</sup> A "permitted nonhazardous waste management unit" now occupies former Pond 5, located south of the ESP and east of the WSP. (Pet. Appendix E, p. 3-2; amend. Pet. attach. 3).

<sup>3</sup>The Board has paginated the unnumbered pages of the Agency's Response.

All hazardous waste liquids and sludges have been removed from those portions of the ESP that will be reconfigured for receiving the nonhazardous wastewaters, i.e. a partition of Pond 2 and Ponds 2A, 3, 3A and 4; these ponds will be hydraulically connected by dike removal or culverts, and then graded and lined with one foot of compacted clay. The hazardous liquids and pumpable sludges that were removed were chemically fixed. The chemically fixed material was delisted by the USEPA and placed in an onsite, permitted, nonhazardous waste landfill. The supernatant storm water and surface water run-on was pumped to the Temporary Surge Basin or the West Surge Pond before being treated at the Wood River POTW. The non-pumpable "heavy" sludges are being removed in two steps: they are transferred from Ponds 3 and 4 to the southern portion of Pond 2 for temporary storage; next these sludges will be solidified and transferred into a new landfill called the Pond 1 Landfill, which will be located in the area of Pond 1 and the north portion of Pond 2. (Pet. Appendix D, F; Amend. Pet. Attach. E).

There are about seven employees involved in operating the ESP and about 350 employees at the adjacent Amoco facilities. (Pet. p. 7, and a location map and site plan in Appendix F).

#### REGULATORY FRAMEWORK

Since 1985, Amoco has been implementing under interim status a RCRA closure of its Wood River Riverfront property, including the RCRA surface impoundment area. Then, in 1989, the USEPA amended the RCRA regulations to, under certain circumstances, allow facilities to delay closure after the final receipt of hazardous waste in order to continue to receive non-hazardous wastes in a surface impoundment.

In April, 1990, Amoco submitted to the Agency a Delayed Closure Plan, as part of the Amended Closure Plan, which addressed the disposal of remaining wastes and proposing the construction of a new basin, the ESP, as described above. The Agency approved the plan in June 1990. Within the Amended Closure Plan is the "Engineer Report Pond 1 Landfill Riverfront Property, Wood River (former) Refinery", detailing the construction of the Pond 1 landfill, which was submitted to the Agency in March 1991 and approved in June 1991, with the following condition #13 which states:

The delayed closure of the hazardous waste (S04) surface impoundments is subject to Illinois Pollution Control Board approval of the petition for adjusted standard as required by 35 IAC Section 725.213.

(Agency Resp. p. 2,3; see also Pet. Appendix D).

On July 3, 1990, as Amoco was preparing its RCRA Part B Permit Application for the ESP, the Board adopted the USEPA's

delay of closure regulations. In the Matter of: RCRA Update, USEPA Regulations, R90-2, 113 PCB 131, July 3, 1990. The rules are found in the Board's regulations at 35 Ill. Adm. Code 724.213 and 725.213. Part 724 contains standards for owners and operators of hazardous waste treatment, storage and disposal facilities; Part 725 contains interim status standards for owners and operators of hazardous waste treatment, storage and disposal facilities. The format and language of both Sections 724.213 and 725.213 is very similar. As required by 35 Ill. Adm. Code 725.213(d), in October 1990, Amoco submitted its RCRA Part B Permit application to the Agency seeking the use of the delay of closure regulatory provisions to accept nonhazardous waste. The Agency has deferred reviewing the application until the Board acts on this petition. (Pet. p. 8, para. 12).

In order to implement its delay of closure option, Amoco seeks an adjusted standard from two rules.

First, Amoco seeks an adjusted standard from 35 Ill. Adm. Code 725.213(d)(1)(B). In pertinent part the rule provides:

- d) Continued receipt of non-hazardous waste. The Agency shall permit an owner or operator to receive non-hazardous wastes in a \*\*\* surface impoundment unit after the final receipt of hazardous wastes at that unit if:
  - 1) The owner or operator submits \*\*\* a new Part B application if none was previously submitted, and demonstrates that: \*\*\*
    - B) There is a reasonable likelihood that the owner or operator or another person will receive non-hazardous waste in the unit within one year after the final receipt of hazardous wastes; and \*\*\*

It is the one year requirement from which Amoco seeks relief. Even apart from the fact that the final receipt of hazardous wastes occurred in 1981, Amoco asserts that one year would not provide enough time to design, permit and construct the ESP in any event. (Pet. p. 4,5).

Second, Amoco seeks an adjusted standard from the 35 Ill. Adm. Code 725.321(a). In pertinent part the rule provides, for surface impoundments receiving hazardous waste:

Section 725.321            Design Requirements

- a) The owner or operator of a surface impoundment must install two or more liners and leachate collection system in accordance with 35 Ill. Adm. Code 724.321(c), with respect to each new unit, replacement of an existing unit, or lateral expansion of an existing unit

that is within the area identified in the Part A permit application, and with respect to waste received beginning May 8, 1985. (Pet. p. 4, 5).

It is the multi-liner and leachate collection system from which Amoco seeks relief, on the basis that no hazardous wastes will be disposed.

Why an adjusted standard is needed from this provision needs some explaining. First, the adjusted standard provisions, contained in the rule of general applicability at 35 Ill. Adm. Code 725.213(e), provide in the first paragraph:

Surface impoundments. In addition to the requirements in subsection (d) [see above] an owner or operator of a hazardous waste surface impoundment which is not in compliance with the liner and leachate collection system requirements in Section 725.321(a) shall receive non-hazardous wastes only as authorized by an adjusted standard pursuant to this subsection.

Section 725.321(a), quoted earlier above, references 35 Ill. Adm. Code 724.321(c). That Section contains more specificity regarding the liners, and, importantly, its requirements apply "with respect to all waste received after the issuance of the permit". We also note that 35 Ill. Adm. Code 724.213(e) requires an adjusted standard in essentially the same manner as does the interim status adjusted standard provisions of 35 Ill. Adm. Code 725.213(e) quoted in part above. We will discuss this further in the Board Discussion segment of the Opinion.

The Agency agrees that the rules proposed by Amoco are the appropriate standards from which an adjusted standard is sought. (Agency Resp. p. 3).

Amoco believes that its impoundment is covered by Part 725, the interim status regulations. Amoco alternatively requests an adjusted standard consistent with its petition from Part 724, the regulations addressing permitted facilities, if determined as appropriate by the Board. (Pet. p. 22).

#### JUSTIFICATION

We will summarize here Amoco's responses to the levels of justification regarding the two rules from which Amoco requests relief. (We note that the information required in the Board's procedural regulations is distributed throughout various parts of the Opinion for clarity. See Section 28.1 of the Environmental Protection Act (Act) and 35 Ill. Adm. Code 106.705 generally.)

35 Ill. Adm. Code 725.213(d)(1)(B). Since Section 725.213(d)(1)(B) does not specify the level of justification in

the rule, the adjusted standard determination is based on adequate proof by Amoco that the justifications in Section 28.1(c)(1), (2), (3) and (4) of the Act are satisfied. The justifications and Amoco's responses are:

Section 28.1(c)

1. Factors relating to the petitioner are substantially and significantly different from the factors relied upon by the Board in adopting the general regulation.

Response: The Board regulation corresponds to the federal regulation providing for delayed closure (40 CFR 265.113(d)(1)(ii)). Both contemplate that delayed closure will involve waste removal and receipt of wastes immediately thereafter without retrofitting. Amoco's approach is more time consuming, but, Amoco asserts, is more protective of the environment. Instead of disposing of the liquids and sludges offsite, Amoco is consolidating and chemically treating the wastes and then disposing them onsite. In addition, Amoco opted to close part of, and delay closure of the other part of, what is a large surface impoundment. However to do this requires some construction to create the ESP within the existing impoundment, and Amoco asserts that USEPA did not consider this in adopting the one year time frame.<sup>4</sup>

Amoco also notes that it has been involved in clean-up and closure activities for several years following final receipt of hazardous waste in 1981 and prior to the delay of closure rules; thus it would have been impossible for Amoco to comply with the one year requirement in any event. (Pet. p. 12, 18, 19, para. 44(a)).

2. The existence of those factors justifies an adjusted standard.

Response: Amoco could not have foreseen in 1982, when its closure activities commenced, the compliance requirements of a regulation adopted in 1990. Even if this were not so, the project would have been multi-year in any event, given the magnitude of the closure and clean-up project involving development of work plans, securing of permits etc. and construction of an onsite permitted management unit for delisted wastes. (Pet. 19, 20, para. 44(b)).

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<sup>4</sup> We note that Illinois adopts the RCRA regulations "identical in substance" to the federal regulations. See Sections 7.2 and 22.4 of the Act. Thus, neither the Board nor the Agency have independently weighed the merits of the USEPA's regulation.

3. The requested standard will not result in any environmental or health effects which are substantially and significantly more adverse than the effects considered by the Board in adopting the rule of general applicability.

Response: The extension of time will not result in such significantly more adverse effects. Since the Refinery closed and closure activities began in 1982, Amoco has (since 1984 and expanded in 1990) maintained a groundwater monitoring program that encompasses the perched water table and the uppermost aquifer. The program also identifies the limits of an underground hydrocarbon pool on top of the groundwater table, identified in 1984, and located just north of the ESP, but partly located under Pond 2. (The pool contains an estimated 6,400 barrels of liquid, is about 100,000 square feet across with an average thickness of one foot, and its structure has remained unchanged since 1986). Pursuant to an Interim Corrective Action Program, there is groundwater hydraulic gradient control in the vicinity of the pool, which is being managed by operation of a cone of depression groundwater pumping system at the former Refinery. (Pet. p. 9, 20, para. (c); Appendix F); Amend. Pet. p. 2, Exh. E; Agency Resp. p. 2).

4. The adjusted standard is consistent with federal law.

Response: See 1. above. The petition is consistent with the premise underlying the delay of closure regulations insofar as units that formally held hazardous wastes are being beneficially utilized where appropriate. (Pet. p. 20, 21, para. (d)).

Amoco also notes that it has submitted the required Contingent Corrective Measures Plan and Hazardous Waste Removal Plan as part of its Part B Permit application. (Pet. p. 20, para. 47).

35 Ill. Adm. Code 725.321(a). Since 35 Ill. Adm. Code 725.321(a), a rule of general applicability, specifies a level of justification, which Amoco asserts consists of two criteria, Section 28.1(b) of the Act applies. The two "criteria" addressed by Amoco relate to its plan for removing hazardous wastes and its contingent corrective measures plan, which must be included in the petition. (See Section 725.213 (e)(1)(A) and (B)).

First, pursuant to 35 Ill. Adm. Code 725.213(e)(2), Amoco has submitted a Hazardous Waste Removal Plan which provides for removal of all the wastes to the extent practicable, to be completed within 90 days following final receipt of hazardous waste, unless the petitioner demonstrates to the Board that the removal will take longer and that the extension will not pose a threat to human health and the environment. (Pet. p. 6, Para. 5., Appendix D). For reasons expressed earlier, Amoco asserts

that it has demonstrated why completion of its removal of the hazardous wastes within 90 days was not practicable.

Second, pursuant to 35 Ill. Adm. Code 725.213(e)(3), Amoco, as noted above, has submitted a Contingent Corrective Measures Plan which addresses the requirements of 35 Ill. Adm. Code 724.199 [the Compliance Monitoring Program] and is to be implemented within one year after a release or within one year of grant of an adjusted standard, whichever is later. (Pet. p. 6, Para. 6, Appendix E).

The justifications required for an adjusted standard criteria in Section 725.213 (e) contains a sizeable number of justifications, many of which address actions that have already been taken by Amoco or are related to adjusted standards needed in the event of a release.

The Agency states that, under the Amended Closure Plan, which it has already approved, Amoco properly completed the waste removal process. As verified by Agency field inspection and follow-up Field Operations Section reports, Amoco has removed contaminated sludges from the RCRA surface impoundments. Also, Amoco has proposed to stabilize the sludges and place them in a RCRA landfill. The Agency asserts that these clean-up steps are in accordance with 35 Ill. Adm. Code 725.213(e)(1)(A), which requires that a petition for adjusted standard must include a plan for removing hazardous wastes; and 725.213(e)(2), which requires that the removal plan provide for removing all hazardous liquids and hazardous sludges to the extent practicable while preserving liner integrity.

#### ALTERNATIVES

As an interim status facility, Amoco states that its options at the time were: a) Closure under 35 Ill. Adm. Code 725.213(b); b) Delay of closure under 35 Ill. Adm. Code 725.213(d); or c) Installation of minimum technology requirements (two or more liners and a leachate collection system) under 35 Ill. Adm. Code 724.321(a). Amoco chose option (b). (Pet. p. 7).

Amoco could comply with 35 Ill. Adm. Code 725.321(a) by installing two liners and a leachate collection system. These installations would cost about \$6.2 million, an amount which is in addition to the \$28.8 million already spent or committed on the Riverfront Property for remediation and closure. Yearly maintenance and operating for the new liner and leachate collection system would be about \$110,000.

Alternatively, Amoco could withdraw its current Part B application and close the ESP as a RCRA landfill pursuant to Ill. Adm. Code 725. The capital costs would be about \$41.4 million. Yearly operating and maintenance costs would be about \$500,000.



Amoco asserts that, without grant of its petition, it will be forced to spend \$6.2 million to \$41.4 million, the extra expenditures would not provide additional environmental protection, and Wood River's POTW would not have use of the ponds. (Pet. p. 4).

Amoco has no alternative to compliance with the one-year requirement of 35 Ill. Adm. Code 725.213(d)(1)(B); as noted earlier, the final receipt of hazardous wastes into the ESP occurred in 1981, nine years prior to the effective date of the delay of closure regulations.

The Agency agrees with the above estimates, although noting that the Agency did not conduct an independent cost analysis for each alternative. (Agency Resp. p. 4).

#### ENVIRONMENTAL EFFECTS

In accordance with the Agency-approved Closure Plan, Amoco has removed all liquid hazardous wastes and consolidated nearly all of the hazardous sludges, to the extent practicable, from the ESP. The USEPA has stated that this approach will reduce the threat posed by any release to the environment from a surface impoundment. (54 Fed. Reg. 33376, August 14, 1989).

To ensure that all wastewaters placed into the ESP will be non-hazardous, under its permit Amoco will sample the first discharge to the ESP each quarter. Also, Amoco will use its existing Contingency Plan to manage any incident threatening the quality of the wastewater. (See Appendix I). Amoco's RCRA Part B permit application contains the provisions for detection and mitigation of releases in accordance with 35 Ill. Adm. Code 724.

The ESP is to be lined with a "nominal" one-foot thick imported clay liner, so as to reduce migration of the stored wastewater from the ESP. Amoco's consultant, using a computer model, evaluated the potential impact on groundwater and ongoing remediation efforts. 10,000 days after recharge was initiated, simulated steady-state conditions were observed; the uppermost aquifer exhibited no rise in hydrostatic head, indicating that there would be no change in the direction of groundwater flow and that the current monitoring system could monitor any releases. Amoco does note that liners and a leachate collection system would slightly diminish the likelihood of subsurface wastewater migration as compared to its proposed clay liner. However, Amoco asserts that, even if migration occurred, significant changes to groundwater quality would be unlikely, given that the wastewater is non-hazardous.

Amoco notes that it has installed a groundwater system to monitor the uppermost aquifer pursuant to 35 Ill. Adm. Code: Subpart F. Should a release be detected, Amoco will implement

the Contingent Corrective Measures Plan pursuant to 35 Ill. Adm. Code 725.213(e)(5). All groundwater assessment activities will be performed and reported quarterly in accordance with the Sampling Analyses Plan. (Pet. Appendix H).

Non-hazardous wastewaters would occasionally fill the ESP, and normal evaporation could potentially release minute amounts of hydrocarbons to the atmosphere. However, Amoco asserts that the evaporative emissions would be identical if, absent grant of the petition, Amoco elected to install a liner and leachate collection system. (Pet. p. 13-15).

AMOCO'S AND AGENCY'S PROPOSED LANGUAGE

Amoco asserts that construction and permitting schedules will dictate the schedule for accepting non-hazardous wastewaters into the ESP. Therefore, Amoco proposes that the Agency approve the schedule for implementing the delay of closure provision. Amoco proposes the following adjusted standard language to provide relief from the "within one year" requirement of 35 Ill. Adm. Code 725.213(d)(1)(B):

Amoco is authorized to begin receiving non-hazardous wastewaters in the East Surge Pond upon approval of this Petition. The schedule for receiving non-hazardous wastewaters will be subject to approval by the Environmental Protection Agency.

(Pet. p. 12).

Pursuant to Section 725.213(e), Amoco also requests that it be authorized to "receive non-hazardous wastewaters in the ESP for purposes of storing the wastewaters prior to treatment at the City's POTW, prior to formal closure. In this regard, Amoco proposes the following language:

Amoco Oil Company may receive non-hazardous wastewaters into its East Surge Pond, subject to the conditions specified in 35 AC 725.213(e)(8)(c)(i) through (vi).

(Pet. p. 13).

The Agency proposes revisions encompassing the language in the first paragraph of Amoco's proposal as follows:

Amoco Oil Company may receive only non-hazardous wastewaters into the East Surge Pond on its Wood River Riverfront Property following Illinois Environmental Protection Agency approval of a modified closure plan that includes a schedule for receiving non-hazardous waste.

(Agency Resp. p. 4).

The Agency asserts that it did not have conditions to recommend, although we note that its proposed language conditions the effectiveness of the adjusted standard on subsequent Agency action. The Agency also did suggest that the Board include the conditions stated in 35 Ill. Adm. Code 725.213(e)(8)(C)(i-vi) and referred to by Amoco. The Agency also noted that 35 Ill. Adm. Code 725.213.(e)(8)(C)(v) should reference the reasons for terminating the adjusted standard found at 35 Ill. Adm. Code 725.213(e)(7)(A). (Agency Resp. p. 4,5).

### Board Discussion

The Board finds that Amoco has provided sufficient justification for its requested grant of an adjusted standard. We believe that Amoco has demonstrated that:

1. Amoco has justified its requested relief from the requirement that non-hazardous waste be received within one year after final receipt of hazardous waste, as required by 35 Ill. Adm. Code 725.213(d) (1)(B).
2. The Hazardous Waste Removal Plan, originally provided to the Agency as part of Amoco's Part B Permit Application, has been implemented and satisfies the level of justification required by 35 Ill. Adm. Code 725.213(e)(2). Regarding Section 725.213(e)(2)(C), the Board specifically finds that Amoco has demonstrated that the removal of hazardous waste, of necessity, could not be achieved within 90 days.
3. The Contingent Corrective Measures Plan meets the justification level of 35 Ill. Adm. Code 725.213(e)(3).
4. No significant adverse human health or environmental impacts are expected.
5. The additional expenditures that Amoco would otherwise have to spend is not warranted in relation to any environmental benefit, and Wood River will benefit from the project.
6. The justification requirements of Section 28.1(b) and (c) have been satisfied.

We now refer to Amoco's request that the Board alternatively grant the adjusted standards from Part 724 if we determine that is the appropriate course. We have determined that the appropriate relief for Amoco is to grant it an adjusted standard from the comparable provisions in both Part 724 and 725.

We note that the Opinion accompanying the adjusted standard granted to Olin Corporation discussed situations similar to that which we find here. (In the Matter of: Petition of Olin Corporation for an Adjusted Standard from 35 Ill. Adm. Code 724

and 725 Related to Closure and Post Closure of RCRA Regulated Surface Impoundments AS 90-8, February 27, 1992).

We conclude that the adjusted standard relief granted to Amoco under the interim status provisions of Part 725 does not provide for continued permit-related operations; adjusted standard relief is required under the permit-related provisions of Part 724.

As earlier noted, the liner and leachate requirements of Section 724.321(c) apply to waste received after the issuance of the permit. Also, while we recognize that Section 724(d)(1)(B) speaks only to a "modified" permit situation, we note that the language creates an anomaly when read in conjunction with its counterpart in Part 725, which speaks to both a new and "amended" permit situation. We conclude that granting an adjusted standard to the Part 724 counterparts of the Part 725 rules not only assures relief for continued operations, but also assures that the adjusted standard will be incorporated into Amoco's Part B permit so as to be additionally enforceable as a permit condition. We also note that this approach avoids the potential for conflict between Agency-imposed permit conditions and those in the adjusted standard.

As discussed in Olin, the Board's adjusted standard procedures contemplate situations where concurrent relief is needed, and are patterned after the USEPA procedure; requiring separate petitions would be "repetitious and uneconomical". (Id. Opinion p. 7,8). We therefore will grant an adjusted standard from 35 Ill. Adm Code 724.213(d)(1)(B), 725.213(d)(1)(B), 724.321(c) and 725.321(a).

Finally, the following Order will be crafted differently and more completely than the language proposed by either the Agency or Amoco. We note that we have determined not to condition grant of the adjusted standard on Agency approval of a modified closure plan. The record indicates to us that the Agency has already approved such a plan, subject only to grant of adjusted standard. In any event, the Agency did not explain why it needed such a provision or otherwise explain why the adjusted standard should not take effect as of this date. The adjusted standard does not "waive" Agency authority; it simply allows the exercise of it consistent with Board regulation. We will include the suggested conditions found in Section 725.213(e)(8)(C); the conditions are identical in its Part 724 counterpart.

This constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

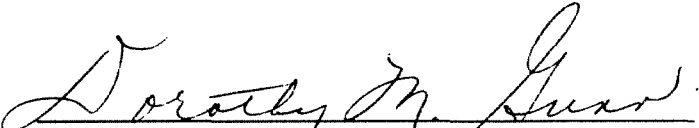
Pursuant to Section 28.1 of the Illinois Environmental Protection Act, and in accordance with the Opinion, the Board grants Amoco Oil Company an adjusted standard from 35 Ill. Adm. Code 725.213(d)(1)(B), 724.213(d)(1)(B), 725.321(a), and 724.321(c), subject to the following conditions:

1. This adjusted standard applies to Amoco Oil Company's East Surge Pond on its Wood River Riverfront Property, but only insofar as the East Surge Pond receives only non-hazardous wastewaters.
2. This adjusted standard specifically recognizes:
  - a. A plan for removing hazardous wastes.
  - b. A requirement that the owner or operator remove hazardous wastes in accordance with the plan.
  - c. A contingent corrective measures plan.
  - d. A requirement that, in the event of a release, Amoco shall: within 35 days, file with the Board a petition for adjusted standard; implement the corrective measures plan; and, file semi-annual reports with the Agency.
  - e. A condition that the adjusted standard will terminate if Amoco fails to: implement the removal plan; or, timely file a required petition for adjusted standard. The reasons for terminating the adjusted standard are found at 35 Ill. Adm. Code 725.213(e)(7)(a).
  - f. A requirement that, in the event the adjusted standard is terminated, Amoco shall commence closure of the unit in accordance with the requirements of the closure plan and this Part.
3. This adjusted standard shall be included as a condition in Amoco's Part B permit.
4. At any time, Amoco or the Agency may petition the Board to modify the terms and conditions of this adjusted standard.

Section 41 of the Illinois Environmental Protection Act, Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1041, provides for appeal of final orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 17<sup>th</sup> day of March, 1992 by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board