

ILLINOIS POLLUTION CONTROL BOARD
December 23, 1986

MOBIL OIL CORP.,)
)
 Petitioner,)
)
 v.) PCB 86-221
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

Pursuant to 35 Ill. Adm. code 722.134(b), Petitioner seeks a 30-day extension, from December 6, 1986 to January 5, 1987, of the ninety (90) day maximum holding period for on-site accumulation of hazardous waste at its Joliet Refinery by means of a provisional variance. The Illinois Environmental Protection Agency (Agency) has found that compliance with Section 722.134 would impose an arbitrary or unreasonable hardship on petitioner and recommends that petitioner be granted provisional variance.

Attached to the Agency recommendation is a letter which indicates that the Agency had granted a prior 30-day extension to the petitioner and that petitioner is requesting a second 30-day extension. (See attached letter, marked by the Board as Exh. A).

Section 722.134(b) was adopted pursuant to the "identical in substance" provisions of Section 22.4(a) of the Environmental Protection Act (Act). The Board construes the federal regulations, as reflected in Section 722.134(b), as precluding any extensions which, cumulatively, would total more than 30 days.

Therefore, the Board finds that it lacks the authority to grant this provisional variance. If the Agency can demonstrate that the USEPA construes the "identical in substance" regulation in a manner that would allow the Board to grant this provisional variance, the Board would entertain a motion for reconsideration.

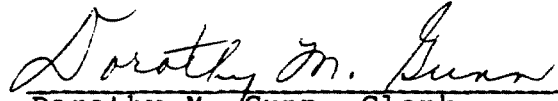
This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

The petition of Mobil Oil Corp. for a provisional variance for its Joliet Refinery pursuant to 35 Ill. Adm. Code 722.134(b) is denied.

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 23rd day of December, 1986 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

Mobil Oil Corporation

P.O. BOX 874
JOLIET, ILLINOIS 60434

Certified Mail

RECEIVED December 8, 1986

DEC 9 1986

Mobil Joliet Refinery

U.S. EPA I.D. No. ILD064403199

ILL. EPA - DLEP Illinois I.D. No. 1978090004
STATE OF ILLINOIS

Charles Gruntman
State of Illinois
Environmental Protection Agency
Division of Land Pollution Control
1701 First Avenue
Maywood, IL 60153

Dear Mr. Gruntman:

The Mobil Joliet Refinery is hereby requesting a second 30-day extension for on-site accumulation of a small quantity of hazardous waste. This request is being made in accordance with Section 722.134b of Illinois State Solid Waste Regulations. The refinery has stored on-site seven fifty-five gallon steel drums of flare knock-out drum sludge, which was tested and determined to have a flash point below 140°F. This waste was accumulated as hazardous waste beginning August 7, 1986. The 90-day period for on-site accumulation ended on November 5, 1986.

A disposal permit for the waste was issued to Peoria Disposal Company on November 5, 1986. Due to scheduling at the landfill, they are unable to accept this waste until December 23, 1986, which is our shipment date.

Your approval of this extension will be appreciated. Please contact J. I. Ledwig at 815-423-5571 with any questions.

Very truly yours,



T. D. Cole
Refinery Manager

RCB/jw
3233R

cc: Illinois Environmental Protection Agency
Division of Land Pollution Control
2200 Churchill Road
Springfield, Illinois 62706
Division File

