ILLINOIS POLLUTION CONTROL BOARD October 10, 1985

MARATHON	PETROLEUM	co.,)		
		Petitioner,)		
		v.)	PCB	85-83
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)))			
		Respondent.	Ś		

INTERIM ORDER OF THE BOARD (by J. Anderson):

By Order of September 5, 1985, the Board directed the parties to address the issue of the consistency of the requested relief with federal law, in light of correspondence from the U.S. EPA to the Illinois EPA which question the relief granted by the Board in R83-19 and R81-26. Marathon was given until October 4, 1985 to file an amended petition addressing this issue. The Agency's recommendation was to have been due October 28, 1985. The Board must address two issues flowing from this Order.

First, on October 4, 1985, Marathon filed a letter addressing these issues, which contained a footnote asserting that "[t)his letter does not constitute nor should it be construed to be an amended petition for variance." The Board does not accept this assertion. The October 4 letter must be construed as an amended petition. 35 Ill. Adm. Code 104.122(b) requires that a petition "indicate whether" relief can be granted consistent with federal law and regulations. The previous filings do not even mention federal requirements, rendering the petition inadequate. Marathon's prior variance expired October 2, 1985; the Board assumes that Marathon has resisted construction of its response as an amended petition because this would allow the Board 120 days beyond the prior due date in which to reach a decision. The Board will make every effort to expedite its decision to meet the previous due date.

Hearing has been scheduled for October 22, 1985, 6 days in advance of the extended due date for the Agency's Recommendation. To insure a meaningful public hearing, however, the Agency's Recommendation should be available in advance of hearing. The Board therefore directs the Agency to file its Recommendation on or before October 17, 1985.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Interim Order was adopted on the 194 day of 2 thete, 1985, by a vote of 1985.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board