

ILLINOIS POLLUTION CONTROL BOARD
September 6, 1991

INDIAN REFINING LIMITED)
PARTNERSHIP,)
)
Petitioner,)
)
v.) PCB 91-159
) (Provisional Variance)
)
ILLINOIS, ENVIRONMENTAL PROTECTION)
AGENCY,)
Respondent.)

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter comes before the Board on receipt of an Agency Recommendation dated September 5, 1991. The recommendation refers to a request from Petitioner, Indian Refining Limited Partnership, for a 7-day provisional variance from the combined fuels sulfur dioxide limitation, as set forth in 35 Ill. Adm. Code 214.162, for the period from September 9, 1991 to September 16, 1991.

Upon receipt of the request, the Agency issued its recommendation, finding that due to unforeseen, temporary and uncontrollable circumstances, failure to grant the requested 7-day provisional variance would impose an arbitrary or unreasonable hardship on Petitioner. The Agency recommended that the Board grant the provisional variance with conditions.

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. 1989, ch. 111 $\frac{1}{2}$, 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 enforceability of the variance, and to provide notification of the action by a press release.

Having received the Agency recommendation finding that a denial of the requested relief would impose an arbitrary and unreasonable hardship, the Board hereby grants Petitioner a provisional variance from 35 Ill. Adm. Code 214.162 from September 9, 1991 to September 16, 1991 on the following conditions:

1. Indian Refining shall effect operational changes that reduce crude sulfur levels to at least 0.6 percent by weight;

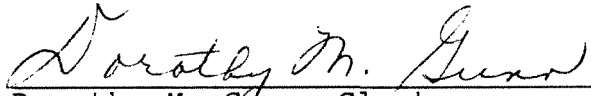
2. Indian Refining's sulfur dioxide emissions shall not exceed a daily average of 3360 pounds per hour; and
3. Indian Refining shall submit a written report, indicating the total hours of operation, daily average sulfur dioxide emissions, and the highest level of sulfur dioxide emissions during any hour of operation, addressed as follows:

Mary A. Gade, Director
Illinois Environmental Protection Agency
2200 Churchill Road, P.O. Box 19276
Springfield, Illinois 62794-9276

IT IS SO ORDERED.

J.D. Dumelle dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Order was adopted on the 16th day of September, 1991, by a vote of 4-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board