

ILLINOIS POLLUTION CONTROL BOARD

May 23, 2011

EXXONMOBIL OIL CORPORATION,)	
)	
Petitioner,)	
)	
v.)	PCB 11-86
)	(Variance - Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

On May 18, 2011, ExxonMobil Oil Corporation (ExxonMobil) filed a petition for a variance for the Joliet Refinery (refinery) adjacent to Interstate 55 at the Arsenal Road exit, approximately 50 miles southwest of Chicago. The refinery is on a 1,300-acre tract of land located in Channahon Township in unincorporated Will County. ExxonMobil seeks a four-year and four-month variance from compliance with the applicable requirements of 35 Ill. Adm. Code 217, Subparts A, D, E, F, and Appendix H (NOx RACT Rule), which imposes a December 31, 2014 deadline for implementation of Reasonably Available Control Technology (RACT) at the refinery in order to control emissions of nitrogen oxides (NOx) from certain units listed in Appendix H of the NOx RACT Rule.

ExxonMobil asserts that the requested relief is necessary because the NOx RACT Rule is arbitrary and imposes an unreasonable hardship on ExxonMobil since the requirements of the NOx RACT Rule are neither mandated by federal nor state statutes or regulations. ExxonMobil states that a variance is necessary in order to extend ExxonMobil's obligation to go forward with projects to implement the NOx RACT Rule in light of the uncertainty regarding the 2011 National Ambient Air Quality Standard for ozone. ExxonMobil asserts that the variance is justified because compliance with the NOx RACT Rule will cost substantial resources. ExxonMobil further states that the variance is necessary in order to allow ExxonMobil additional time to install any control equipment for the Appendix H units needed to comply with the NOx RACT Rule during the next regularly scheduled maintenance turnaround which is slated for Winter 2018/Spring 2019.

ExxonMobil has waived its right to a hearing on this petition. *See* 35 Ill. Adm. Code 104.204(n) (2010). However, the Board, in its discretion, concludes that a hearing would be advisable. *See* 35 Ill. Adm. Code 104.234(c) (2010). The Board directs that this matter proceed to hearing as expeditiously as practicable. The Illinois Environmental Protection Agency (Agency) must investigate the petition and submit a recommendation within 45 days of the May 18, 2011 filing of the complete petition, by July 5, 2011, or at least 30 days prior to the date of hearing, whichever is earlier. *See* 35 Ill. Adm. Code 104.216(b) (2010). Within 14 days after

service of the Agency recommendation, ExxonMobil may file a response to the Agency recommendation or an amended petition. *See* 35 Ill. Adm. Code 104.220 (2010).

The assigned hearing officer must set the matter for hearing in accordance with the requirements of the Environmental Protection Act and the Board's procedural rules. The hearing officer is responsible for guiding the parties toward prompt resolution of this matter through whatever status calls and hearing officer orders he determines are necessary and appropriate. Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/38(a) (2010)), which only ExxonMobil may extend by waiver (*see* 35 Ill. Adm. Code 101.308 (2010)). If the Board fails to take final action by the decision deadline, ExxonMobil may deem the requested variance granted for a period not to exceed one year. *See* 415 ILCS 5/38(a) (2010). Currently, the decision deadline is September 15, 2011 (the 120th day after May 18, 2011). *See* 35 Ill. Adm. Code 104.232 (2010). The Board meeting immediately before the decision deadline is scheduled for September 8, 2011.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 2, 2011, by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board