

ILLINOIS POLLUTION CONTROL BOARD
September 9, 1999

BP AMOCO OIL COMPANY,)
)
Petitioner,)
)
v.) PCB 00-40
) (Provisional Variance - Air)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)
)
)
)

ORDER OF THE BOARD (by C.A. Manning):

On September 7, 1999, the Illinois Environmental Protection Agency (Agency) filed a request for a provisional variance and notification of recommendation. The Agency recommends that the Board grant a 45-day provisional variance. The provisional variance would allow the petitioner's gasoline dispensing operation located at 28W125 West Warrenville Road, Warrenville, DuPage County, Illinois to dispense motor vehicle fuel while testing an alternative to the required California Air Resources Board certified vapor collection and control system. In making its recommendation, the Agency states that failure to grant the requested provisional variance for 45 days will result in an arbitrary or unreasonable hardship on the petitioner.

The Board grants the petitioner a provisional variance from the air pollution control requirements set forth in 35 Ill. Adm. Code 218.586. The Board is required, in a provisional variance, to adopt a formal order, assure formal maintenance of the record, assure the enforceability of the variance, and provide notification of the action by press release. Pursuant to Section 35(b) of the Environmental Protection Act (415 ILCS 5/35(b) (1998)), the Board must issue the provisional variance within two days of the filing.

The provisional variance shall be subject to the following conditions:

1. The variance shall begin on September 1, 1999, and continue for 45 days, expiring on October 15, 1999.
2. BP Amoco Oil Company shall notify the Agency upon the commencement of the alternative vapor recovery system testing, and upon completion of the testing. Such notification shall be addressed to:

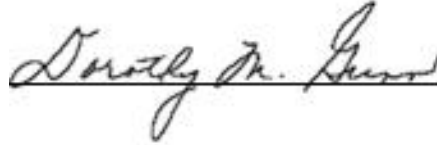
Illinois Environmental Protection Agency
Bureau of Air
Compliance Unit
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

3. During the term of this provisional variance, BP Amoco Oil Company shall continue to comply with the record keeping and reporting requirements of 35 Ill. Adm. Code 218.586 (g).

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 9th day of September 1999 by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board