

ILLINOIS POLLUTION CONTROL BOARD  
July 10, 1997

MOBIL OIL CORPORATION, )  
)  
Petitioner, )  
)  
v. ) PCB 98-7  
) (Provisional Variance - Air)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
)  
Respondent. )

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

On June 10, 1997, Mobil Oil Corporation (petitioner) filed a request with the Illinois Environmental Protection Agency (Agency) recommending that it be granted a provisional variance to allow its facility in Will County to continue operating its conventional fuels refinery while tests are conducted on the fluidized catalytic cracking unit (FCCU) carbon monoxide (CO) boilers. Such request for a provisional variance and the notification of recommendation were filed with the Board by the Agency on Tuesday, July 8, 1997. Pursuant to Section 35(b) of the Environmental Protection Act (Act) (415 ILCS 5/35(b) (1996)), the Board must issue the variance within two (2) days of this filing.

Pursuant to Section 35(b) of Act (415 ILCS 5/35(b) (1996)), the Agency, by and through its Director, Mary A. Gade, seeks a provisional variance to allow petitioner to perform testing necessary to develop an alternative emissions monitoring program to determine the operating conditions for the CO boilers and bypass valve that will provide assurance that the emissions units are complying with the CO emission limitations.

Upon receipt of the request by the petitioner, the Agency issued its recommendation, notifying the Board that due to unforeseen, temporary, and uncontrollable circumstances, failure to grant the requested provisional variance would impose an arbitrary or unreasonable hardship on the petitioner.

Specifically, the Agency recommends that we grant petitioner a 45-day provisional variance for its Will County facility from the air pollution control requirements, as set forth in 35 Ill. Adm. Code 216.361(a), 212.123, and 212.381. This variance period shall begin on June 23, 1997, and expire on August 6, 1997.

Provisional variances are by their very nature temporary. The responsibilities of the Agency and the Board in these short-term provisional variances are different from the responsibilities in standard variances. See 415 ILCS 5/35(b) & 36(c) (1996). 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 the formal maintenance of the record, to assure the enforceability of the variance, and to provide notification of the action by a press release.

Having received the Agency recommendation that a denial of the requested relief would impose an arbitrary or unreasonable hardship, the Board hereby grants the petitioner a provisional variance from 35 Ill. Adm. Code 216.361(a), 212.123, and 212.381, with the following conditions:

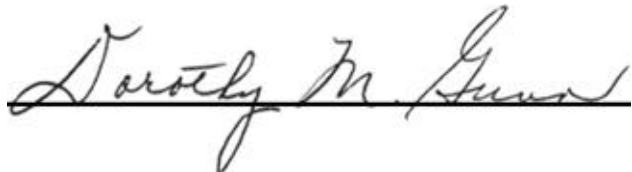
1. The term of this provisional variance shall begin on June 23, 1997, and expire on August 6, 1997.
2. Actual testing of the bypass valve shall occur over only a three day period between June 23, 1997, and August 6, 1997.
3. The petitioner shall notify Kunji Patel at the Agency's Springfield office upon commencement of the bypass valve testing, and upon completion of the testing. Such notification shall be addressed as follows:

Illinois Environmental Protection Agency  
Bureau of Air  
Attention Mr. Kunji Patel  
2200 Churchill Road  
P.O. Box 19276  
Springfield, Illinois 62794-9276

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) 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 145 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 10th day of July 1997, by a vote of 6-0.

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