

Petitioner is now requesting an extension of that Variance to May 30, 1975, or until completion of the installation of a vapor recovery unit, whichever comes sooner. Petitioner alleges that it is unable to meet the October 15, 1974, deadline because of delays in delivery of the vapor recovery unit by Parker-Hannifin, the manufacturer of said unit, and because of a strike by teamsters in the spring of 1974, which delayed modification of the five storage tanks in question and construction of a vapor recovery manifold. Petitioner has submitted three letters (dated September 17, October 3, and October 24, 1974, respectively) from Parker-Hannifin which explain the circumstances associated with delays in their delivery of the vapor recovery unit to Petitioner. The October 24, 1974, letter stated that this equipment is to be shipped to Petitioner on March 15, 1975. Petitioner believes that said vapor recovery unit should be on site by April 15, 1975, and that installation and testing of the unit should be completed by May 30, 1975.

On November 19, 1974, the Environmental Protection Agency (Agency) filed a Recommendation, based in part on their inspection of Petitioner's facility on October 11 and 15, 1974. The Agency believes that the vapor recovery unit being installed on Petitioner's storage tanks is capable of achieving compliance with the applicable regulations. They have received no objections to the grant of this Variance from the public. The Agency is of the opinion that delays in shipment of the vapor recovery unit were beyond the control of Petitioner. The Agency recommends that Petitioner be granted a Variance from Rule 205(a) of Chapter 2 until May 30, 1975, or until completion of the installation of the vapor recovery unit, whichever is sooner, subject to the conditions that were specified in PCB 73-518.

A joint Motion to Cancel Hearing was received on November 27, 1974, and this Motion was granted by the Board on December 5.

Evidence indicates that Petitioner has acted in good faith. Since delays in shipment of the vapor recovery unit were beyond the control of Petitioner, the Board finds that denial of this Variance would impose an arbitrary and unreasonable hardship on Petitioner. Therefore, the Board will grant this Variance.

This Opinion constitutes the findings of fact and conclusions of law of the Board.

ORDER

IT IS THE ORDER of the Pollution Control Board that Petitioner is hereby granted a Variance from Rule 205(a) of Chapter 2, Air Pollution Regulations, from October 15, 1974, to May 30, 1975, or until completion of the installation of subject vapor recovery unit, whichever comes first, subject to continuation of the reporting conditions and bond specified in PCB 73-518.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 3rd day of January, 1975, by a vote of 5 to 0.

Christan L. Moffett
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