

ILLINOIS POLLUTION CONTROL BOARD  
February 14, 1974

CITIES SERVICE OIL COMPANY,            )  
  )  
                  Petitioner,            )  
  )  
                  vs.                    )     PCB 73-495  
  )  
ENVIRONMENTAL PROTECTION AGENCY,    )  
  )  
                  Respondent.            )

Charles A. Purser, Attorney, on behalf of Petitioner;  
Peter Orlinsky, Attorney, on behalf of Respondent.

OPINION AND ORDER OF THE BOARD (by Mr. Seaman):

On November 19, 1973, Cities Service Oil Company filed its Petition For Variance, seeking therein variance from Rules 205(a) and 205(b)(1) of the Air Pollution Regulations until June 1, 1974.

Petitioner is the owner and operator of what is known as the Waterway Terminals, Inc. facility, located at 5101 South Harlem Street, Forest View, County of Cook, Illinois. At said facility, Petitioner operates a petroleum products terminal for the storage and transportation of such products as motor gasoline and fuel oils. The facility includes two storage tanks for regular gasoline, one storage tank for premium gasoline, four storage tanks for #2 fuel oil, one storage tank for #1 fuel oil and two truck loading racks.

Petitioner states that, per month, an average of 153,000 barrels of motor gasoline and 63,700 barrels of fuel oils are stored and subject to transportation from its facility to the consumer market. Petitioner estimates that as a result of said operations, approximately 127,750 pounds per month of organic material, in the nature of hydrocarbons, may be discharged.

Petitioner controls discharges into the atmosphere by using submerged loading pipes at its loading rack and pressure vacuum vents and a vapor sphere in connection with its storage tanks.

Petitioner's facility is subject to Rule 205, and pursuant to said Rule, Petitioner filed the requisite application for operating permit and received a permit to operate the subject facility. Petitioner's compliance program stated that by December 31, 1973, its terminal would cease handling motor gasoline, thus removing the source of any possible regulated hydrocarbon emissions.

Petitioner, now alleges that it will not be able to transfer all motor gasoline operations from the subject Waterway Terminal facility until June 1, 1974, for the following reasons beyond its control:

1. Petitioner's loading racks at its Lemont facility, which handle a portion of Petitioner's gasoline distribution, have been unexpectedly shut down for a prolonged period, forcing Petitioner to transfer its gasoline from Lemont to the Waterway Terminal facility.

2. Gasoline from the Waterway Terminal is to be transferred to Petitioner's Des Plaines terminal. However, due to construction delays and failure to receive construction permits, operation of the Des Plaines terminal has been delayed.

On the basis of discussions between Agency surveillance personnel and personnel at the Lemont and Des Plaines facilities, the Agency believes that Petitioner's time schedule is not unreasonable and recommends that the variance be granted.

Petitioner alleges that failure to receive the variance it is requesting would impose an arbitrary and unreasonable hardship in that Petitioner would have to immediately cease gasoline operations at its Waterway Terminal facility or expend \$150,000 to install floating roof tanks even though it plans to cease operation by June 1, 1974.

We are satisfied that it would be a wasteful expenditure of money to require Petitioner to install floating roof tanks when such installation probably could not be completed prior to the date Petitioner intends to cease gasoline operations.

The subject facility is located in an industrial area at least 1/2 mile from the nearest residence. We are disposed to grant the variance requested, subject to certain conditions, particularly in view of the current shortage of gasoline. It would also be a hardship on those persons dependent on gasoline from the subject terminal to cut off their source of supply.

Petitioner's request for variance from the provisions of Rule 205(b)(1) of the Air Pollution Regulations has been rendered moot by the modification thereto ordered by this Board on December 20, 1973 (R. 73-6).

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, Cities Service Oil Company, be granted a variance from the provisions of Rule 205(a) of the Air Pollution Regulations to enable Petitioner to operate the subject Waterway Terminal until June 1, 1974, subject to the following conditions:

1. Petitioner shall, beginning on March 1, 1974, submit monthly reports to the Agency, detailing therein the progress it has made toward curtailing the motor gasoline operation at its Waterway Terminal.
2. Petitioner shall notify the Agency on the date it ceases all gasoline operations at its Waterway Terminal.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on this 14<sup>th</sup> day of February, 1974 by a vote of 5-0.

Christan L. Moffett