

ILLINOIS POLLUTION CONTROL BOARD  
January 9, 1975

MARATHON OIL COMPANY, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 74-147  
 )  
 )  
 ) ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent, )

MR. C. RICHARD TURNBOW, appeared on behalf of Petitioner;  
MR. JOHN PALINCSAR, appeared on behalf of the Environmental  
Protection Agency;

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

Marathon Oil Company (Petitioner) filed a petition for variance on April 25, 1974. Pursuant to a Board issued "more information order", Petitioner filed an amended variance petition on June 3, 1974 and a supplement to the amended variance petition on August 6, 1974. The Agency filed a recommendation to deny the variance on July 2, 1974. No hearing was held on the petition.

Petitioner owns and operates an oil refinery located adjacent to the City of Robinson. Petitioner seeks a variance from Rule 206(c) of the Air Pollution Regulations. Petitioner currently emits approximately 130,000 ppm of carbon monoxide (CO). Rule 206(c) sets a maximum emission level of 200 ppm of CO, which became effective December 31, 1973. Petitioner proposes to achieve compliance by installing a CO boiler to convert the CO to carbon dioxide. The CO boiler will produce approximately 250,000 pounds of 600 pound steam per hour. Petitioner alleges that the cost of the CO boiler will be approximately \$4,000,000. Petitioner states that the delivery schedule for the equipment projects initial receipt of certain components in September of 1974 with completion of the entire system in December of 1975. Petitioner projects that testing of the unit should be completed by January 15, 1976, with full operation scheduled to begin at that time.

The Agency agrees that the proposed CO boiler, if properly designed and operated, will achieve compliance with Rule 206(c). The Agency further agrees that the cost of the compliance program will be approximately \$4,000,000. In addition, the Agency states that Petitioner's time schedule for compliance is realistic. Both Petitioner and the Agency agree that Petitioner's emission of CO does not cause a violation of Federal primary ambient air quality standards for CO.

Petitioner discharges through two 184-ft. stacks which are located 2,000 feet east of the closest residence in Robinson.

The Board finds that because of the combined effects of Petitioner's stacks, the relatively good air quality of Crawford County and the fact that no similar CO source exists approximate to the Robinson refinery, that Petitioner's emission of CO does not constitute an immediate health hazard.

The Agency recommends a denial of the requested variance, or in the alternative a grant of a variance from Rule 103(b)(6) of the Air Pollution Regulations, which would allow Petitioner to obtain an operating permit while leaving Petitioner open to a potential enforcement complaint for violation of the substantive Rule 206(c). The Agency bases its recommendation on the alleged unjustifiable delay of Petitioner in achieving compliance.

Petitioner's supplement to the amended petition for variance attempted to provide documentation to justify the delay. Petitioner states that "21 documents indicate by their content that a continuous and conscientious effort was being made by Petitioner to ascertain a permanent and guaranteed method of meeting CO emission requirements of the State of Illinois for its cat cracker, while at the same time planning major revisions to the unit -- the revisions being important steps in the overall refinery's long-range capability to product unleaded gasoline". Petitioner alleges that denial of the variance request would impose an arbitrary and unreasonable hardship because it would have to curtail the operations at the remainder of its Robinson refinery which could result in a decision to shut down the entire plant. Petitioner alleges that this would cause a lay-off and a loss of the products produced at the refinery.

The Board is very sympathetic with the Agency's position in this case. Petitioner should have filed for a variance on October 1, 1973 instead of waiting until April 25, 1974. However, little would be gained by denying this variance. Petitioner is proceeding with a \$4,000,000 control program. As previously stated, Petitioner's discharge does not produce an immediate health hazard. The Board therefore finds that Petitioner is entitled to a variance from Rule 206(c) for one year from the date of this Order. This will leave Petitioner subject to possible enforcement actions for any past violations. Because of the two year delay, the Board finds that a Performance Bond is required.

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

Mr. Henss dissents.

-3-  
ORDER

The Board hereby grants Petitioner a variance from Rule 206(c) of the Air Pollution Regulations until January 9, 1976 subject to the following conditions:

1. Petitioner shall apply for all necessary construction and operating permits.

2. Petitioner shall submit quarterly progress reports on the construction of the carbon monoxide boiler to the Agency at the following address: Illinois Environmental Protection Agency, Program Control Coordinator, 2200 Churchill Road, Springfield, Illinois 62706.

3. Petitioner shall post a Performance Bond, in a form satisfactory to the Agency, in the amount of One Hundred Thousand Dollars (\$100,000). Said Performance Bond shall be posted with the Agency at the following address: Illinois Environmental Protection Agency, Fiscal Services Section, 2200 Churchill Road, Springfield, Illinois 62706.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 9th day of January, 1975 by a vote of 4-1.

Christan L. Moffett (gr)  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board