

ILLINOIS POLLUTION CONTROL BOARD
February 14, 1974

TEXACO, INC.)	
)	
Petitioner,)	
)	
vs.)	
)	PCB 73-54
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

Edwin J. Buckley, Attorney, on behalf of Petitioner;
Kenneth J. Gumbiner, Assistant Attorney General, on behalf
of Respondent.

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

This is a Petition for a Variance filed on February 9, 1973.

Petitioner operates a petroleum refinery immediately adjacent to the City of Lockport in Will County, Illinois. Petitioner seeks a Variance from the compliance date of December 31, 1973 for control of hydrocarbon emissions from storage tanks, contained in Pollution Control Board Regulations, Chapter 2, Part II, Rule 205(a).

Petitioner has at its Lockport refinery a total of forty-eight (48) stationary tanks, each having a capacity of 40,000 gallons. Eleven (11) tanks presently are pressurized and are capable of withstanding the pressure of the materials stored therein. One existing tank presently has a floating roof as described by Rule 205(a)(2)(A). An additional five (5) tanks will have floating roofs as described by Rule 205(a)(2)(A) on or before December 31, 1973. Petitioner requests a Variance for thirty-one (31) stationary storage tanks which will not have floating roofs before December 31, 1973 but will comply with Rule 205(a) according to the following schedule:

Tank No.	Capacity Bbl.	Proposed Completion Date
19680	25,000	July 1, 1974
19744	80,000	

<u>Tank No.</u>	<u>Capacity Bbl.</u>	<u>Proposed Completion Date</u>
19559	182,000	July 1, 1975
19558	35,000	
19675	82,000	
19746	80,000	
3727	182,000	
19654	6,400	
3728	178,000	
3724	13,200	
19652	6,400	
19624	182,000	
19560	182,000	
4645	11,700	
11464	4,700	
19631	80,000	
19676	82,000	
19747	80,000	
3703	118,000	
3702	118,700	
3736	150,000	
3723	3,700	
19679	25,000	
19682	15,000	
3733	15,000	
19510	118,000	July 1, 1977
3701	118,000	
19745	80,000	
19677	82,000	
19623	82,000	
19681	15,000	

Petitioner presented five witnesses at the hearing which was concluded on November 29, 1973. Seven Exhibits were also introduced into evidence by Petitioner.

Pendeleton Beall, Jr., Texaco Plant Manager, testified as to the number of engineers who were employed by Texaco involved with pollution control (pp. 21). Petitioner's Exhibit #1 indicated a list of Environmental projects in progress totalling \$50,000,000. Other witnesses testified to manpower, time, cost, etc. No witnesses or Exhibits were presented on behalf of the Respondent.

The Board finds that the Texaco Company has met its burden, in this case, as distinguished from PCB's 73-14 Texaco, Inc. (Lawrence Refinery) in that there was no clear showing that engineering manpower was not available.

Also, since the close of the record in this case (11/29/73) the energy crisis has come upon us and this Board takes notice of its existence. We cannot impede the production of fuel and to deny this Variance might have such an effect.

The Petitioner has presented a reasonable compliance schedule.

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

ORDER

The Pollution Control Board hereby grants a variance until December 31, 1974 from PCB Rule 205(a), Chapter 2 on the use of 31 stationary tanks provided:

1. TEXACO be required to submit a list of the tanks to be refitted during the period of the first Variance;
2. TEXACO submit progress reports at 90 day intervals during the Variance period;
3. TEXACO apply for an extension of the Variance no later than 90 days prior to the expiration of the Variance;
4. TEXACO is to post, within 35 days of the date of this Order, in a form satisfactory to the Agency, a performance bond equal to \$100,000, which bond shall be released in the amount of \$20,000 for each tank that is refitted, said bond shall be sent to: 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, certify that the above Opinion and Order was adopted on this 14th day of February, 1974 by a vote of 5-0.

Christan L. Moffett