

ILLINOIS POLLUTION CONTROL BOARD  
February 27, 1992

INDIAN REFINING, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 92-35  
 ) (Provisional Variance)  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by J. Marlin):

This matter comes before the Board on receipt of an Agency Recommendation dated February 25, 1992. The recommendation refers to a request from Petitioner, Indian Refining, for a 16-day provisional variance for its Lawrence County facility from the sulfur dioxide emissions limitations for a combined fuels source, as set forth in 35 Ill. Adm. Code 214.162, for the period from March 1, 1992 to March 16, 1992.

Indian Refining seeks to operate its petroleum refining facility during this time without operating its sulfur plant. Indian Refining seeks to effect repairs to its sulfur recovery unit by replacement of the catalyst. The only feasible alternative means of compliance is to shut the entire refinery down at a cost of about \$ 330,000 per day. Indian Refining has received three provisional variances for repair of the sulfur recovery unit in the past two years, in PCB 90-213 (Nov. 8, 1990), PCB 90-241 (Dec. 20, 1990), and PCB 91-159 (Sept. 6, 1991).

Upon receipt of the request, the Agency issued its recommendation, finding that a failure to grant the requested 16-day provisional variance would impose an arbitrary or unreasonable hardship on Petitioner.

The responsibilities of the Agency and the Board in these short-term provisional variances are different from the responsibilities in standard variances. See Ill. Rev. Stat. 1989, ch. 111½, pars. 1035(b) & (c). 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 finding that a denial of the requested relief would impose an arbitrary and unreasonable hardship, the Board hereby grants Petitioner a

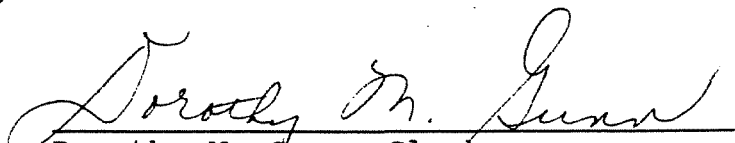
provisional variance from 35 Ill. Adm. Code 214.162, subject to the following conditions:

1. The term of this provisional variance shall commence on March 1, 1992 and expire on March 16, 1992;
2. During the term of this provisional variance, the Petitioner's treatment shall operate its refinery a total of seven days without sulfur recovery;
3. The Petitioner shall notify the Agency's Collinsville Regional office by fax, at 618-346-5155, 24 hours prior to shutting down its sulfur recovery unit, and the Petitioner shall confirm this notice in writing after the unit has been shut down;
4. The Petitioner shall operate its plant during the term of this provisional variance in a manner that assures a reduction of crude oil sulfur levels of at least 0.6 percent by weight and natural gas firing will replace residual oil firing;
5. During the term of this provisional variance, the Petitioner's sulfur dioxide emissions shall not exceed a daily average of 3360 pounds; and
6. The Petitioner shall submit a written report, indicating the total hours of operation, daily average sulfur dioxide emissions, the highest level of sulfur dioxide emissions during any hour, and any citizen complaints received, and forward that report to the Agency within three days of the end of the calendar week during the term of this provisional variance.

IT IS SO ORDERED.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Order was adopted on the 27<sup>th</sup> day of February, 1992, by a vote of 7-0.

  
 Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board