

ILLINOIS POLLUTION CONTROL BOARD
June 23, 1992

SHELL OIL COMPANY,)
)
 Petitioner,)
)
 v.) AS 90-2
) (Adjusted Standard)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by G.T. Girard):

On June 15, 1992, Shell filed a status report as ordered by the Board on April 9, 1992. In that order, the Board noted that no substantive activity had taken place in this docket since the petition's filing on March 5, 1990.

Shell reports that in the interim, it has conducted mixing zone and zone of initial dilution (ZID) studies in the Mississippi River, and that the Agency has performed toxicity testing. Shell further notes that it has not yet received the Agency's response to its petition as required by 35 Ill. Adm. Code 106.714. Shell notes that it has, however, received the Agency's recommendation in a related variance case, Shell Oil Co. v. IEPA, PCB 90-27; the Agency made this filing in response to the Board's order of May 23, 1992. Shell states that the Agency did not address its mixing zone or ZID requests, but that the Agency will initially evaluate Shell's demonstrations in the context of its NPDES permit renewal application, due to be filed in October, 1992. Shell states that it "reserves its right to pursue both the variance and this adjusted standard petition if IEPA permit action does not confirm the existence of its Mixing Zone and result in the grant of a ZID, if IEPA delays unduly in reaching its decision, or if necessary for any other reason."

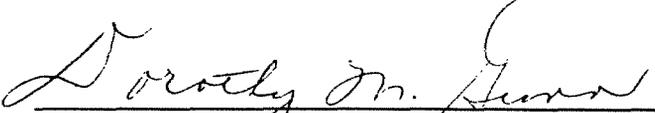
Finally, Shell notes the pendency of the appeal of the mixing zone rules and certain of the water quality rules from which Shell is seeking a variance. Granite City Division of National Steel Corporation, et al. v. Illinois Pollution Control Board, Ill. S. Ct. No. 72850. Shell reports that:

The Illinois Supreme Court granted applicant's Petition for Leave to Appeal in that matter on February 5, 1992. Appellant filed its brief in that matter on April 16, 1992. The Pollution Control Board's reply brief is due on June 26, 1992. A decision on the validity of the Board's water quality and mixing zone rules is expected after December of 1992.

The Agency is directed to file its response pursuant to 35 Ill. Adm. Code 106.714 to Shell's petition on or before July 23, 1992. Following receipt of this response, the Board will determine an appropriate schedule for further actions in this docket.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 23rd day of June, 1992, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board