

ILLINOIS POLLUTION CONTROL BOARD
January 11, 1995

INDIAN REFINING)	
LIMITED PARTNERSHIP,)	
)	
Petitioner,)	
)	
v.)	PCB 95-37
)	(Provisional Variance)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C. A. Manning):

Pursuant to Section 35(b) of the Environmental Protection Act (Act) (415 ILCS 5/35(b)), Indian Refining Limited Partnership has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow Indian Refining Limited Partnership to continue operating during a period of petroleum refinery repairs. Such request for a provisional variance and the Notification of Recommendation was filed with the Board by the Agency on Tuesday, January 10, 1995. Pursuant to Section 35(b) of the Act, the Board must issue the variance within two (2) days of this filing.

Specifically, the Agency recommends that we grant Indian Refining Limited Partnership a forty-five (45)-day provisional variance for its Lawrence County facility from the open burning regulations, as set forth in 35 Ill. Adm. Code 237.120 (f), for the period from December 10, 1994, and continuing for forty-five (45)-days or until the required repairs to the flare head of flare #3 are completed, whichever comes first.

The Agency's provisional variance recommendation states that Indian Refining Limited Partnership operates a petroleum refinery in Lawrenceville, Lawrence County, Illinois. The provisional variance is being requested so that petitioner may operate one of its waste gas flares without its steam injection system, which keeps the flare smokeless. Indian Refining Limited Partnership seeks the provisional variance to operate flare #2 without the steam injection system for a period of forty-five (45)-days or until the required repairs to the flare head of flare #3 are completed, whichever comes first.

Upon receipt of the request, the Agency issued its recommendation, notifying the Board that due to unforeseen, temporary and uncontrollable circumstances, failure to grant the requested forty-five (45)-day provisional variance would impose an arbitrary or unreasonable hardship on the petitioner.

Provisional variances are by their very nature temporary.

The responsibilities of the Agency and the Board in these short-term provisional variances are different from the responsibilities in standard variances. (See 415 ILCS 5/35(b) & 36(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 notifying the Board that a denial of the requested relief would impose an arbitrary or unreasonable hardship, the Board hereby grants the petitioner a provisional variance from 35 Ill. Adm. Code 237.120 (f) from forty-five (45)-days or until the required repairs to the flare head of flare #3 are completed, whichever comes first, subject to the following conditions:

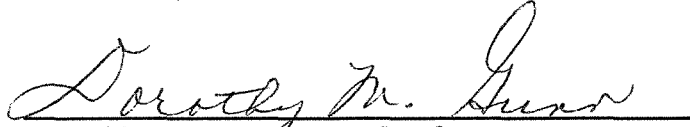
1. The term of this provisional variance shall commence on December 10, 1994 and it shall expire on the date the petitioner completes the required repairs to the flare head of flare #3, or after forty-five (45) days have elapsed, whichever comes first;
2. Flare #2, which is equipped with an infrared camera, shall be continuously monitored visually on the television screen in the flare control shack to assure it remains lit. This continuous monitoring shall be logged by each responsible shift. This log shall be made available to the Agency for review upon request;
3. Should there be a flame-out on flare #2, this shall be reported immediately to the Agency's Emergency Response Unit. Every effort shall be made to relight the flare as soon as possible. Such an incident shall also be reported by telephone to the Collinsville Regional Office at 618/346-5120 or the Marion District Office at 618/993-7200 within 24 hours;
4. The petitioner shall notify the Agency at either the District or Regional office by telephone when the flare head on flare #3 has been replaced and is back in service. This notification shall be followed up in writing with a full summary report for the entire period covered by the provisional variance. Such notification shall be sent to:

Illinois Environmental Protection Agency
2309 W. Main
Marion, Illinois 62959

Attention: Scott Arnold

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 11th day of January, 1995, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board