

ILLINOIS POLLUTION CONTROL BOARD  
April 20, 1995

AMOCO OIL COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 95-130
	)	(Provisional Variance-Air)
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)), Amoco Oil Company (Amoco) have requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow two of Amoco's gasoline dispensing operations (service stations) to continue operating even though it did not install operational vapor recovery equipment by March 31, 1995. This provisional variance is being requested because the Woodridge station is being demolished and rebuilt. The necessary local permits and variances have not yet been received. Arlington Heights facility is subject to condemnation and easement orders for road construction by the Illinois Department of Transportation. The construction project will require the movement of the stations underground storage tanks. This request for a provisional variance and the Notification of Recommendation was filed with the Board by the Agency on Tuesday, April 18, 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 Amoco a forty-five (45)-day provisional variance for two of its facilities located in Cook County in the Chicago metropolitan statistical area from the Stage II vapor recovery requirements, as set forth in 35 Ill. Adm. Code 218.586, for the period beginning April 1, 1995 and continuing for forty-five (45)-days or until the required vapor recovery equipment is installed, whichever comes first.

This recommendation is essentially that the Board extend a previously-granted variance that expired March 31, 1995. The docket number of the variance was PCB 94-263, granted on January 11, 1995.

The Agency's provisional variance recommendation states that Amoco has requested a provisional variance on behalf of two of its service stations in the Chicago area, located as follows:

<u>County</u>	<u>City or Village</u>	<u>Street Address</u>
DuPage	Woodridge	Route 53 and Hopson Rd
Cook	Arlington Heights	Arlington Heights Rd & Algonquin Rd

Upon receipt of the request, the Agency issued its recommendation, notifying the Board that the 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.

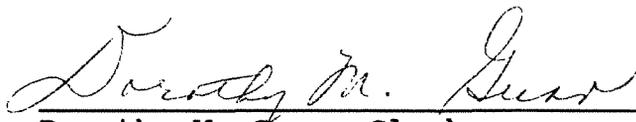
Having received the Agency recommendation notifying the Board that a denial of the requested relief would impose an arbitrary or unreasonable hardship, the Board hereby grants the petitioner a provisional variance from 35 Ill. Adm. Code 218.586, subject to the following conditions:

1. The term of this provisional variance shall commence on April 1, 1995 and continue for forty-five (45)-days or until the required vapor recovery equipment is installed, whichever comes first.
2. In addition, Amoco, as it states in its request, will not dispense gasoline at either of these operations if the National Weather Service indicates that the temperature for the following day will be above 88°F. Amoco will notify Mr. Terry Sweitzer, or his designee, by telephone at 217/782-1733 should this action be necessary.
3. The petitioner shall notify the Agency upon installation of the Stage II gasoline vapor recovery equipment, by sending notification addressed as follows:

Mr. Terry Sweitzer, P.E.  
 Manager, Air Monitoring Section  
 Illinois Environmental Protection Agency  
 Division of Air Pollution Control  
 P.O. Box 19276  
 Springfield, Illinois 62794-9276

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 20<sup>th</sup> day of April, 1995, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

