

ILLINOIS POLLUTION CONTROL BOARD
January 6, 1994

MOBIL OIL CORPORATION,)
)
 Petitioner,)
)
 v.) PCB 94-8
) (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)), Mobil Oil Corporation has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow several of Mobil Oil Corporation's gasoline dispensing operations (service stations) to continue operating even though they did not install operational vapor recovery equipment by November 1, 1993. Such request for a provisional variance and the Notification of Recommendation was filed with the Board by the Agency on Tuesday, January 4, 1994. 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 Mobil Oil Corporation a forty-five (45)-day provisional variance for thirty-eight (38) of its facilities located in four (4) Counties 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 December 16, 1993, 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 provisional variance that expired December 15, 1993. The docket number of the previous provisional variance was PCB 93-212, granted on November 4, 1993.

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

<u>County</u>	<u>Number of Stations</u>
Cook	20
DuPage	10
Lake	7
Will	1

The addresses of those stations are listed as follows:

<u>County</u>	<u>City or Village</u>	<u>Street Address</u>
Cook	Arlington Heights	1880 S. Arlington Heights Road
Cook	Calumet City	2074 Sibley Boulevard
Cook	Chicago	2801 W. Diversey Avenue
Cook	Chicago	7601 S. State Street
Cook	Chicago	9901 S. Halsted Street
Cook	Des Plaines	9701 Milwaukee Avenue
Cook	Elk Grove Village	1699 Landmeier Road
Cook	Elk Grove Village	8 E. Higgins Road
Cook	Hanover Park	6800 Barrington Road
Cook	Lincolnwood	6401 N. Cicero Avenue
Cook	Morton Grove	7951 Golf Road
Cook	Norridge	8339 W. Lawrence Avenue
Cook	Northbrook	1999 Willow Road
Cook	Oak Lawn	10240 S. Crawford
Cook	Oak Lawn	8700 S. Cicero Avenue
Cook	Palatine	1228 Dundee Road
Cook	Palatine	1800 S. Roselle Road
Cook	River Forest	754 N. Harlem Avenue
Cook	River Grove	8359 W. Grand Avenue
Cook	Schaumburg	1530 W. Schaumburg
DuPage	Addison	20 W 561 Lake Street
DuPage	Elmhurst	1000 N. York Street
DuPage	Glendale Heights	1202 Bloomingdale Road
DuPage	Lombard	2150 S. Highland Avenue
DuPage	Naperville	1576 S. Washington
DuPage	Naperville	1671 N. Route 59
DuPage	Naperville	20 E. Odgen Avenue
DuPage	West Chicago	27 W 210 N. Avenue
DuPage	Westmont	798 E. Odgen Avenue
DuPage	Wood Dale	1000 N. Wood Dale Road
Lake	Barrington	504 E. Main Street
Lake	Deerfield	650 Waukegan Road
Lake	Highland Park	1333 Half Day Road
Lake	Highland Park	2580 Skokie Valley
Lake	Highwood	1000 Sheridan Road
Lake	Vernon Hills	294 E. Route 60
Lake	Vernon Hills	485 W. Route 60
Will	Crest Hill	1800 N. Plainfield

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 Petitioner. The Agency recommendation states that installation of Stage II vapor recovery equipment at the Mobil Oil Corporation facilities is not possible by the November 1, 1993 deadline for compliance because Tokheim is in the last stages of CARB approval for vacuum assist

vapor recovery equipment for its gasoline dispensers (as to three (3) of the Mobil Oil Corporation facilities), and vapor recovery equipment for use with Gilbarco dispensers using Dresser Wayne controls is still under development (as to thirty-five (35) of the Mobil Oil Corporation facilities), so CARB-approved vacuum vapor recovery equipment is not yet available for the Mobil Oil Corporation facilities.

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) & (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 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 December 16, 1993, and it shall expire on the date the Petitioner completes the required installation of vacuum assist Stage II vapor recovery equipment, or after forty-five (45) days have elapsed, whichever comes first;
2. The Petitioner shall notify the Agency of the installation of the 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 6th day of January, 1994, by a vote of 7-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board