

ILLINOIS POLLUTION CONTROL BOARD
January 6, 1994

MARATHON OIL COMPANY,)
)
 Petitioner,)
)
 v.) PCB 94-9
) (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)), Marathon Oil Company has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow Marathon Oil Company to continue accumulating hazardous waste for a period in excess of ninety (90) days. 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 a thirty (30)-day provisional variance from the ninety (90)-day limitation on the storage of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b), for the period from December 26, 1993 through January 25, 1994 for Waste Item #1, December 27, 1993 through January 26, 1994 for Waste Item #2, December 29, 1993 through January 28, 1994¹ for Waste Item #3, and December 7, 1993 through January 6, 1994 for Waste Item #4. The Agency Recommendation was filed January 4, 1994.

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 thirty (30)-day provisional variance would impose an arbitrary or unreasonable hardship on Petitioner.

Provisional variances are by their very nature temporary. The responsibilities of the Agency and the Board in these short-term

¹ The Agency recommendation sets forth this date, which is the thirty-first day after the recommended start of the extension. 35 Ill. Adm. Code 722.134(b) allows only a single 30-day extension. Therefore, the Board has used "January 28, 1994" in the order below.

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 722.134(b) during the periods listed below.

Waste Item #1 December 26, 1993 to January 25, 1994.

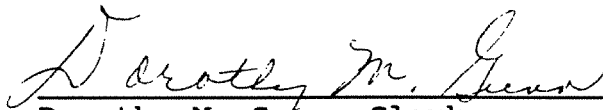
Waste Item #2 December 27, 1993 to January 26, 1994.

Waste Item #3 December 29, 1993 to January 28, 1994.

Waste Item #4 December 7, 1993 to January 6, 1994.

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, Clerk
Illinois Pollution Control Board