

ILLINOIS POLLUTION CONTROL BOARD
June 6, 1996

SHELL WOOD RIVER REFINING COMPANY,)	
)	
)	
Petitioner,)	PCB 96-248
)	(Provisional Variance - Air)
v.)	
)	
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)), Shell Wood River Refining Company (Shell) has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow Shell to continue operating its petroleum refinery during a period of repairs and maintenance to the Shell Claus Off-Gas Treater (SCOT) unit of the sulfur recovery system. Such request for a provisional variance and the notification of recommendation was filed with the Board by the Agency on Tuesday, June 4, 1996. 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 Shell a 45-day provisional variance for its Madison County facility from sulfur dioxide emissions regulations, as set forth in 35 Ill. Adm. Code 218.382(b), for the period from August 1, 1996 to September 14, 1996.

The Agency's provisional variance recommendation states that Shell operates a petroleum refinery located in Wood River, Madison County, Illinois.

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 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 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 218.382(b), for the period from, August 1, 1996 to September 14, 1996 subject to the following conditions:

1. The term of this provisional variance shall commence on August 1, 1996, and it shall expire on the date the petitioner completes the required maintenance and repairs to the SCOT unit, or after 45 days have elapsed, whichever comes first;
2. In the event that meteorological conditions indicate the potential for an air quality violation at the Agency's ambient air monitors located in the communities of South Roxana and Wood River, the Agency will notify Shell. Upon receipt of such a notification, Shell will immediately modify its operations to the extent possible in order to attempt to minimize the likelihood of an air quality violation;
3. Shell shall notify the Agency upon completion of all maintenance and repair work to be performed under this provisional variance. This notification shall be addressed as follows:

Illinois Environmental Protection Agency
Attn: Mr. Brooke Peterson
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

4. Shell shall maintain records of sulfur dioxide emissions during the period covered by the provisional variance. Such records shall be made available to the Agency upon request.

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 ____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board