

ILLINOIS POLLUTION CONTROL BOARD
January 3, 1974

UNION OIL COMPANY OF CALIFORNIA)
PETITIONER)
)
)
v.) PCB 73-448
)
)
ENVIRONMENTAL PROTECTION AGENCY)
RESPONDENT)
)

H. DORN STEWART, JR., VICE PRESIDENT, in behalf of UNION OIL COMPANY
THOMAS R. CASPER, ATTORNEY, in behalf of the ENVIRONMENTAL PROTECTION
AGENCY

OPINION AND ORDER OF THE BOARD (by Mr. Marder)

This case comes to the Board on the petition of Union Oil Company of California, filed October 24, 1973, with the Board. Variance is requested for 120 days from Rule 205 (a) (2) (A) and Rule 205 (b) (1) of the Air Pollution Regulations for Union Oil's light oil terminal located at 4801 S. Harlem Avenue, Forest View, Cook County, Illinois. The Agency recommended the variance be granted in its recommendation filed December 14, 1973. No hearing was held.

Petitioner filed an application for an operating permit (APC-60) with the Agency on April 10, 1973, to operate this facility. The terminal stores 105,000 barrels of gasoline and 105,000 barrels of heating oil. The product is transferred from this facility to trucks for delivery to homes, service stations, and commercial accounts. A permit was issued on June 20, 1973, to operate until December 31, 1977.

The Petitioner alleges the facility's gasoline storage tanks are equipped with fixed roofs, and the gasoline loading facilities are not equipped with air pollution control equipment as required by Rule 205 (a) (2) (A) and 205 (b) (1).

Gasoline handling at the facility was scheduled to end on December 31, 1973. Petitioner alleged that construction of a new loading facility at its Lemont refinery has not gone according to schedule, and will not be completed by January 1, 1974. Petitioner alleges and the Agency agrees that the Lemont facility will be completed in the time of the requested variance.

Petitioner alleges further that if a variance is not granted, it would close the Forest View facility leading to great hardships as follows:

1) Union would only be able to supply gasoline to the Chicago area through its facility in Elk Grove. This location is such as to cause severe logistic problems in serving the Chicago area.

2) Elk Grove does not have the capacity of serving the trucks that would be shifted from Forest View.

3) Many trucks served by Forest View could not be handled at Elk Grove. Elk Grove has bottom loading only, which method many trucks are not equipped to handle.

4) Forest View supplies six other companies.

The Board takes notice that the Petition is entirely devoid of environmental impact data. There is also no mention of the type or quantity of emissions. The lack of such data makes it very difficult for the Board to reach an intelligent decision in this matter. Union Oil has been before this Board on other occasions and knows full well its burden of proof. The Board will reluctantly grant this short variance, but in so doing puts Petitioner on notice that a petition of this type will not suffice in future actions. The reasons for granting this variance are as follows:

1) Because of the energy crisis, the possible loss of this facility could cause a greater hardship on the general public than on Petitioner.

2) The variance is a rather short one and will result in termination of operations at this facility, and resumption of operations at a new facility which will be in full compliance.

3) The reason for delay of compliance is in the Board's opinion not self-imposed. Petitioner alleges and the Agency concurs that the new facilities would have been ready by Jan. 1, 1974, had construction gone according to schedule.

4) Residents of the area had no objections to the variance, indicating that Petitioner's emissions were not noticeably offensive.

5) The unduly long time taken by the Agency in filing its recommendation (51 days), coupled with its recommendation for a grant, leaves the Board in a position of denying a variance petition, which was filed before the effective date of regulation, after that effective date. Had the Agency been more timely in its recommendation, or had it recommended a denial, the Board may have very well asked for and received more information before January 1, 1974. Although the passage of 21 days prior to receipt of an Agency recommendation is by no means a reason for a grant of variance, in view of the other circumstances involved, the Board will rely on the Agency's judgment in the instant case.

6) From past experience in matters of this type the Board feels

that the emissions generated will be of little environmental impact. It is also noted that this variance will cover the colder months when instances of photochemical smog will be at a minimum.

This Opinion constitutes the findings of fact and conclusions of law of the Board.

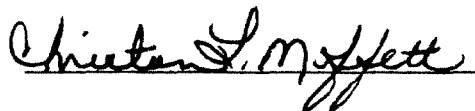
ORDER

IT IS THE ORDER of the Pollution Control Board that:

1. Petitioner is granted a variance until May 1, 1974, from Rule 205 (a) (2) (A) and 205 (b) (1) for its facilities in Forest View, Illinois.
2. Said variance shall terminate on any date sooner than May 1, 1974, in the event that Petitioner's loading facility at Lemont is completed.
3. Petitioner shall make every effort to hasten construction of its Lemont facilities and shall, commencing 10 days from the date of this Order, and monthly thereafter, report to the Environmental Protection Agency as to progress made in this regard.
4. Petitioner shall notify the Agency and the Board 10 days prior to the date that the Lemont facility assumes operations presently situated at Forest View.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 3rd day of January, 1974, by a vote of 5 to 0.


Christan L. Moffett