

ILLINOIS POLLUTION CONTROL BOARD
December 11, 1975

MARATHON OIL COMPANY,)
(ROBINSON REFINERY),)
)
Petitioner,)
)
v.) PCB 75-398
)
ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Zeitlin):

Petitioner Marathon Oil Company (Marathon) filed its Petition for Variance on October 14, 1975, seeking relief from the carbon monoxide emission standards in Rule 206(c) of Chapter 2: Air Pollution, of the Pollution Control Board (Board) Rules and Regulations. PCB Regs., Ch. 2, Rule 206(c), (R71-23, 1972). A Recommendation was filed by the Environmental Protection Agency (Agency) on November 14, 1975. No hearing was held in this matter.

Marathon has previously been granted similar relief for its Robinson Refinery, in a Variance granted January 9, 1975. Marathon Oil Co. v. EPA, PCB 74-147, 15 PCB 169 (1975). The Board in that Opinion described Marathon's operations at the Robinson Refinery, particularly the fluid catalytic cracking unit and its catalyst regenerator unit which give rise to carbon monoxide emissions in excess of the standard in Rule 206(c). Marathon emitted approximately 130,000 parts per million (ppm) of CO, with the standard set at 200 ppm CO. Although Marathon claims that emissions are now lower, due to a catalyst change, that claim is unsubstantiated, and we may assume that Marathon's present emissions are approximately the same as those noted in the prior Opinion.

In PCB 74-147 the Board granted Marathon a Variance from Rule 206(c) from January 9, 1975 until January 9, 1976. That Variance was based on findings that a denial of the Variance would work a considerable hardship on Marathon, and that Marathon's compliance plan -- a CO boiler costing in excess of \$4,000,000.00 -- would be adequate to allow compliance with

the Board's 200 ppm CO standard. Marathon now claims that delays beyond its control, and beyond the control of its contractor, have delayed completion of the CO boiler until late May, 1976, (Agency Rec., Exhibit C). Marathon asks that a new Variance be granted, allowing it until September 1, 1976, to allow shakedown and de-bugging of the new CO boiler.

We feel that the grant of a further Variance is justified. The hardship on which we based our earlier decision in PCB 74-147 remains adequate to justify such a Variance, and Marathon has shown continuing good faith in its attempts to fulfill its compliance plan as quickly as possible. Marathon has complied with all the conditions of the earlier Variance, including the posting of a \$100,000.00 performance bond and the submission of monthly progress reports to the Agency.

There remains, however, one additional consideration which must be examined in light of decisions reached by the Board subsequent to the grant of the Variance in PCB 74-147: Will the grant of this Variance allow Petitioner to interfere with the attainment or maintenance of the national ambient air quality standard for CO? See, King-Seeley v. EPA, PCB 75-159, 16 PCB 505 (1975) (Interim Order). Petitioner's air quality testing program indicates that the ambient air in the vicinity of the Robinson Refinery never approached the ambient air quality standard for CO, on either a one-hour or an eight-hour basis, under the worst conditions. The Agency concurs in this finding, based on Petitioner's sampling, (Recommendation at 5). The Agency does not sample CO in Air Quality Control Region 74, (Southeast Illinois Intrastate), which includes Marathon's Crawford County location. Illinois Environmental Protection Agency, 1974 Annual Air Quality Report, 131-138 (1975). The emission inventory for that area does, however, show few total CO emissions in that area. Id. at 3, 37, 42. On these facts, and our finding regarding the air quality of Crawford County in PCB 74-147, we feel that the grant of this Variance will not interfere with attainment or maintenance of the ambient air quality standards in the area to be affected.

We will retain in effect the conditions of the earlier Variance, and will grant this Variance until June 30, 1976. We agree with the Agency that Marathon has shown no justification for the requested date of September 1, 1976.

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

ORDER

IT IS THE ORDER OF THE POLLUTION CONTROL BOARD that Petitioner Marathon Oil Company be granted a Variance from Rule 206(c) of Chapter 2: Air Pollution, for its Robinson, Illinois Refinery, for the period January 9, 1976 to June 30, 1976, subject to the conditions shown in PCB 74-147; and further requiring that Petitioner shall apply to the Environmental Protection Agency for a fluid catalytic cracking unit operating permit by January 9, 1976.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 11th day of December 1975 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board