

ILLINOIS POLLUTION CONTROL BOARD
March 17, 1994

MARATHON OIL COMPANY,)
)
 Petitioner,)
)
 v.) PCB 94-27
) (Variance)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by R.C. Flemal):

This matter comes before the Board on a motion to dismiss, or in the alternative a motion to extend the time to file its recommendation, filed by the Illinois Environmental Protection Agency (Agency) on March 8, 1994. Marathon Oil Company (Marathon) filed its reply to the motion and alternative motion on March 14, 1994.

In its motion, the Agency states that the petition should be dismissed because Marathon fails to document any present failure to meet the numerical standards or particular provisions from which the variance is sought and provides no factual statement why compliance with the Act and regulations was not or cannot be achieved by the required compliance date. The Agency states that such information is required by 35 Ill. Adm. Code 104.121(e).

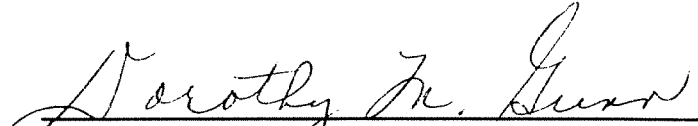
In response Marathon presents a notice of violation issued by the United States Environmental Protection Agency pertaining to the Marathon facility's air emissions and the subject of this variance petition. Upon review of the petition and the additions contained in Marathon's response, the Board finds that Marathon has presented sufficient information as required by 104.121(e) at this time.

Based on the above, the Board denies the Agency's motion to dismiss Marathon's variance petition.

The Board also construes the additions presented with Marathon's response as amending its petition. As a consequence, the decision timeclock will restart from the date of filing of the response. In addition, Marathon states that it will again be amending its petition on or about March 21, 1994. In light of these amendments, the Agency's motion to extend the date of filing of its recommendation is denied as it is not necessary at this time.

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 17th day of March, 1994, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board