

ILLINOIS POLLUTION CONTROL BOARD  
November 15, 1973

DONALD McELROY, INC. )  
PETITIONER )  
 )  
 )  
v. ) PCB 73-332  
 )  
 )  
ENVIRONMENTAL PROTECTION AGENCY )  
RESPONDENT )  
 )

PATRICK J. PHILLIPS, ATTORNEY, in behalf of DONALD McELROY, INC.

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

This action involves a request for variance filed on August 9, 1973, by Donald McElroy, Petitioner. Relief is sought from Rules 202 and 203 of the Air Pollution Regulations. The Agency recommends a denial.

Petitioner leases approximately one acre of land near Odell, Illinois. At this location Petitioner burns X-ray and photographic film for the purpose of reclaiming silver. Said burning is carried out in steel drums; there is no pollution control equipment used.

Approximately 75,000 pounds of film are burned per week at this location. Contaminants discharged are smoke, black soot, and ash. No mention is made of other products of combustion (chemical gases) which may be discharged to the atmosphere.

On August 23, 1973, an interim Order of the Board was issued, asking for more information regarding the amount of particulates emitted and the proximity of residences to the burning facilities. An amendment to petition was filed on October 1, 1973.

Petitioner alleges that its discharges are 0.425 grains per cubic foot (27.5 mg/ft<sup>3</sup>). This information is very vague in that no mention is given as to a basis of volume of air used per pound of film burned. It is, however, noted that no people reside within a one-half mile radius of said facilities, and that only seven people reside within a one-mile radius of the facility.

Because of the sparsity of population in the area it is felt that a short variance will have little interim, and no long-term, effect on the environmental quality of the area.

Petitioner claims that an arbitrary and unreasonable hardship

would be imposed upon it if said variance were denied. It is alleged that Petitioner owns no other facility in the state, and that the only other facility for this purpose which Petitioner now operates is in the state of Pennsylvania. The Pennsylvania facility cannot handle the products purchased by the Petitioner, and the closing of the Odell facility would require the closing of its Rosemont, Illinois, warehouse, as well as forcing the discharge of five employees.

Petitioner requests relief only until it can install an approved incinerator facility in North Chicago, Illinois. Said facility is anticipated to be in operation by November 30, 1973. After this date Petitioner intends to close down its operation at Odell, Illinois. The cost of constructing the incinerator is about \$100,000, and a construction permit has been obtained from the Environmental Protection Agency.

The Agency recommendation for denial is based on a number of findings. The Agency is under the opinion that Petitioner may be conducting an open burning salvage operation rather than a chemical process. A paper entitled "Design of New Silver-Recovery Incinerator" was attached to the Agency Recommendation as "Exhibit A." By use of this paper the Agency calculated Petitioner's emissions to be between 66.6#/hr. and 106.6#/hr. The emissions generate a smell characteristic of burning plastic.

The Agency has determined that the probability of the proposed incinerator starting up by November 30, 1973, is remote. This is due to the Agency's finding that incinerator construction materials have not been located and a baghouse has not been ordered. The Board, however, will grant a variance until November 30, 1973.

The Agency alleges that citizens were annoyed by the burning operation but were unwilling to object to the grant of a variance.

If indeed the incinerator can be completed by November 30, 1973, the Board sees no harm in granting a short variance to allow the smooth transition between the operation at Odell to the operation at Chicago. However, due to the sparsity of information available, any further extension of this variance will require documentation of a number of points:

1. Petitioner's ability to store film until the new facility is completed.
2. Petitioner's ability to process the film at a different approved site.
3. Reasons for delay, and completion date for its new incinerator.
4. Clarification of Petitioner's hardship and the effect of particulates on the environment.

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 a variance be granted to Donald McElroy, Inc., from Rules 202 and 203 of the Air Pollution Control Regulations, and that this variance shall terminate on November 30, 1973.

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 15<sup>th</sup> day of November, 1973, by a vote of 5 to 0.

Christan L. Moffett