

ILLINOIS POLLUTION CONTROL BOARD
March 7, 1996

ALLIED TUBE & CONDUIT)
CORPORATION,)
)
Petitioner,) PCB 96-108
) (Permit Appeal - Air)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by M. McFawn):

This matter is before the Board on a motion for reconsideration, with supporting affidavit, filed by petitioner Allied Tube & Conduit Corporation (Allied) on February 22, 1996. In its motion, Allied requests that the Board reconsider its January 18, 1996 order which denied Allied's request that the contested conditions in its permit be stayed during the pendency of this appeal. These conditions, identified as conditions 4(a), 5(a), and 7(a) in Allied's permit, impose monthly limits on Allied's emissions. The Illinois Environmental Protection Agency (Agency) has not filed a response to the motion. Allied asserts that the Agency has not previously objected to the requested stay, and has represented to Allied that it will not object to a stay.

In support of its motion, Allied states it is not able to operate under normal conditions in compliance with the monthly limitations. Allied asserts that the Agency derived the monthly emissions limitations from the previous year's production data. Allied states that variations in customer demand have made compliance with the monthly limits difficult, and that it is in continuous risk of violating the monthly limitations since they do not correlate with its current operations.

Allied states that it is a job shop, with variations in production based on changes in customer demand, which result in corresponding changes in its emissions. Allied asserts that its monthly emissions from October to December 1995 do not correlate with its monthly emissions from October to December 1994. Allied asserts that it cannot ensure consistent compliance with the monthly limits without curtailing operations, despite its ability to meet annual limits. Allied also asserts that the recordkeeping requirements attendant to the monthly limits require Allied to spend several hours each day inputting and downloading data, which is unduly burdensome.

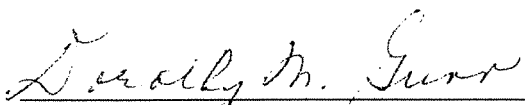
Allied asserts that granting the requested stay will provide it the flexibility necessary to operate while this permit is on appeal. Allied asserts that it will continue to comply with the

permit's annual limitations, which are to be determined on a monthly basis from the sum of the data for the current month plus the preceding 11 months.

In sum, Allied has asserted that complying with the contested conditions during the pendency of this appeal will cause Allied undue hardship, and the Agency has not disputed these assertions. The Board finds that, in this motion, Allied has explained its need for the requested stay. Accordingly, the motion for reconsideration is granted, and conditions 4(a), 5(a), and 7(a) in Allied's permit will be stayed during the pendency of this appeal.

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 7th day of March, 1996, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board