

from its stacks and was, even now, only attempting to correct the problems related to its smallest stack. The Agency recommended that the petition for variance be denied or, in the alternative, that if granted, it be subject to certain conditions enumerated in the Recommendation. Prior to the hearing on the merits, Petitioner and the Agency stipulated to and agreed upon most of the conditions recommended by the Agency (R. 12), including the submission of programs to control other pollution sources at the plant. Such programs should take the form of variance petitions, and additional hearings will be scheduled as necessary upon their receipt. As a result of the stipulation no witnesses were called, and little evidence was adduced at the hearing. Our order herein substantially approves the stipulation of the parties but contains additional measures deemed appropriate by the Board in light of the facts of this case.

A denial of the requested variance might result in a severe disruption to Petitioner's operations and might cause the layoff of some or all of the Petitioner's 250 employees. We do not believe the facts of this case warrant such drastic action. However, the Petitioner's admitted and unexcused failure to file the required ACERP and its long and unexplained delay in beginning its cleanup operation cannot be overlooked. As in similar past cases we condition the variance on payment of a penalty in the amount of \$5000. See, e.g., Marquette Cement Co. v. EPA, # 70-23 (Jan. 6, 1971). Because less than one month remains until expiration of the variance, we think it likely no bond could be filed in time to do any good and therefore will not require security.

ORDER

It is the order of the Pollution Control Board that:

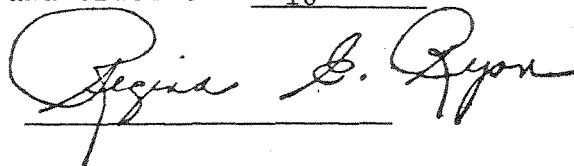
Petitioner's request for a variance from Section 9(a) of the Environmental Protection Act and Rules 2-2.53 and 3-3.122 of the Rules and Regulations Governing the Control of Air Pollution to operate the 200 h.p. boiler presently in use at Petitioner's Gibson City facilities is hereby granted until October 15, 1971 under the following terms and conditions.

1. Petitioner shall pay to the State of Illinois, within 35 days of the receipt of this order, a monetary penalty of \$5,000.00;
2. Petitioner shall perform stack tests on the two larger boilers under full load conditions when the new oil-fired boiler is in operation but in no event later than November 1, 1971, and if the stack tests reveal that emissions from said boilers are in violation of law, Petitioner shall, by no later than December 1, 1971 submit to the Pollution Control Board and the Environmental Protection Agency, detailed plans to control particulate emissions and to bring emissions from such boilers into compliance with law;

3. On or before February 1, 1972, Petitioner shall submit to the Pollution Control Board and the Environmental Protection Agency a program for the control of sulfur dioxide including a detailed explanation of the program and timetables for the completion of the program which shall be implemented by no later than June 1, 1974;
4. Within thirty (30) days of the receipt of this order, Petitioner shall submit to the Pollution Control Board and the Environmental Protection Agency plans for the control of odors from its waste treatment plant, including a detailed description and timetable for the installation of any aerating equipment it proposes to use and control of hydrogen sulfide emissions from the waste treatment lagoons, all of said plans to be implemented and completed by Petitioner within six (6) months after the receipt of this order.
5. Petitioner shall submit to the Pollution Control Board and the Environmental Protection Agency a detailed report concerning the levels of emissions and plans for the control of excessive emissions from the following processes:
 - a) Ingredient Hammermill Grinding.
 - b) Calflac Equipment Aspiration.

Said reports and plans, including specifications, shall be submitted within thirty (30) days of the receipt of this order and shall be implemented and completed within six months of the date hereof.

I, Regina E. Ryan, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this 16 day of September, 1971.



Regina E. Ryan