ILLINOIS POLLUTION CONTROL BOARD
January 10, 1980

AMERICAN HOECHST CORPORATION,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 79-43
	)	
ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by Mr. Goodman):

Petitioner's Motion to Vacate or Alternative Relief filed December 17, 1979 is denied.

On November 15, 1979 the Board denied Petitioner a variance from Rule 203(g)(1)(B) "for such period as may be necessary to secure a permit for [its] Ottawa facility's two (2) Babcock and Wilcox FF15-32 chain grate stoker coal fired boilers" in large part because Petitioner had not demonstrated that compliance with Rule 203(g)(1)(B) would constitute an arbitrary or unreasonable hardship. Petitioner now seeks to vacate that order because changes subsequent to the date of filing of that petition "have contributed to a significant reduction in the particulate emissions from its smokestack" and because "Petitioner believes its present operations are well within the standards of Board Rule 203(g)(2)(B)" -- "... all indicators are that Petitioner is and will continue to meet the standards set by the [Board]."

Petitioner alleges the hardship that it is now left in technical violation of the Act and Board regulations "although Petitioner believes that, in actuality, its Ottawa plant is operating well within the parameters of such Act and ... Regulations." Petitioner alleges that the finality of the Board's November 15, 1979 order creates the "anamoly" that its operation would be subject to penalties although in compliance with the law. Such concerns may constitute defenses to enforcement cases, but they do not evidence need for a variance.

Petitioner again shows that no arbitrary or unreasonable hardship is being imposed upon it. Petitioner's motion is denied, including the requested alternative relief of a rehearing on its variance petition.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 10th day of January, 1980 by a vote of 4-0.

Christan L. Moffett, Clerk
Illinois Pollution Control Board