

ILLINOIS POLLUTION CONTROL BOARD
June 7, 1979

LISSNER CORPORATION,)
)
) Petitioner,)
)
) v.) PCB 79-56
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Goodman):

On March 19, 1979, Lissner Corporation (Lissner) filed a petition for variance before the Board, requesting that the Board extend a variance previously granted in PCB 78-207. No hearing has been held in this matter, and the Board has received no public comment.

Lissner operates a secondary aluminum smelter in Chicago, Illinois. A baghouse was installed to control emissions from its reveratory furnaces in September, 1978. Subsequent destruction of the fabric bags inside the baghouses resulted in an investigation which indicated that the contractor who installed the baghouse had failed to place an epoxy cover coat over a zinc chromate primer on the interior of the baghouse. Fumes and moisture entering the baghouse attacked the unprotected primer resulting in the formation of a zinc chloride solution, which in turn attacked the fabric bags. Lissner expects to have the condition corrected and the baghouse back on line by April 30, 1979. In its recommendation the Agency indicates that it believes Lissner has demonstrated satisfactory progress during the prior variances and recommends grant of the requested variance.

The Board agrees that Lissner has shown satisfactory progress during the time of the prior variances and that denial of the requested variance would impose an arbitrary and unreasonable hardship on Lissner. We will therefore grant the extension requested while Lissner repairs its pollution control equipment. The variance from Rule 203(a) of Chapter 2: Air Pollution Control Rules and Regulations (particulate emissions) and Rule 202(b) of Chapter 2 (visual emissions) shall be granted until April 30, 1979. The applicable conditions set forth in the Board's Order in PCB 78-207, entered October 4, 1978, which Order is hereby incorporated by reference as if fully set forth herein, shall be continued in effect.

This Opinion constitutes the findings of fact and conclusions of law of the Board in this matter.

ORDER

Finding that Lissner Corporation is currently unable to comply with the Board's Regulations, it is the Order of the Pollution Control Board that:

- 1) Lissner Corporation be granted variance from Rules 202(b) and 203(a) of Chapter 2: Air Pollution Control Rules and Regulations until April 30, 1979, subject to the following conditions:
 - a) Lissner shall achieve compliance by April 30, 1979.
 - b) Applicable conditions contained in the prior Board Order in PCB 78-207, dated October 4, 1978, shall continue in effect.
 - c) Lissner shall report to the Illinois Environmental Protection Agency when the baghouse is finally in operation.
 - d) Within 45 days of the adoption of this Order, Lissner Corporation shall execute and forward to the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 a Certification of Acceptance and Agreement to be bound to all terms and conditions of this Order. The 45 day period shall be held in abeyance during any period this matter is being appealed. The form of said certification shall be as follows:

CERTIFICATION

I (We), _____, having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 79-56, hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

SIGNED _____

TITLE _____

DATE _____

- 2) Lissner Corporation is hereby notified that it may be liable for noncompliance penalties under Section 120 of the Federal Clean Air Act if final compliance is not achieved by July 1, 1979.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 7th day of June, 1979 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board