

ILLINOIS POLLUTION CONTROL BOARD

September 15, 1977

COLLIER CARBON AND CHEMICAL)
CORPORATION,)
)
Petitioner,)
)
v.) PCB 77-48
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

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

I. LEGAL BACKGROUND

This matter comes before the Board upon the February 14, 1977 Petition for Variance brought by Collier Carbon and Chemical Corporation (Collier) seeking relief from particulate emissions standards until February 1, 1978. The Environmental Protection Agency (Agency) filed its Agency Recommendation on May 2, 1977 in support of a variance but with conditions attached. A hearing was held on July 21, 1977. Both parties filed Closing Statements in support of their respective positions.

II. FACTUAL BACKGROUND

Collier owns and operates a facility used for the calcining of green petroleum coke, located in Lemont, Will County Illinois. Equipment at the facility includes a rotary kiln, a pyroscrubber, a rotary cooler, and storage areas. The facility was operating in compliance with the particulate emissions standard set by Rule 203(b) of Chapter 2: Air Pollution from at least May, 1975 (Ex. 4) until July, 1976, when a waste heat boiler was installed and put into operation. The boiler was designed to produce steam from the heat given off by the rotary kiln which would in turn be used to produce electricity at a nearby facility owned by Union Oil Company. However, operation of the boiler caused particulate emissions to exceed allowable levels (Ex. 5).

The installation of the waste heat boiler does not constitute a "modification" under Rule 101 of Chapter 2. Collier's particulate emissions will be governed by Rule 203(b) as an existing source. The granting of a variance from Rule 203(b) would allow Collier time to properly shake down its system and to design additional emission control equipment, if any is necessary.

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III. VARIANCE

Collier claims hardship in that they could be liable in an enforcement action for violation of Rule 203(b) during the shakedown period. The parties agree that requiring immediate compliance would force Collier to cease using its waste heat boiler. The record shows violations of the particulate emission standard arising after the boiler was put into operation (Ex.5). The Board finds that exposing Collier to liability under the Act and Regulations would cause an arbitrary and unreasonable hardship.

The environmental impact of granting a variance would be increased particulate emissions from the Collier facility, due to some presently unknown cause. The area surrounding the facility consists largely of commercial and industrial properties. As a result, we find that the benefits derived from the grant of a variance outweigh any harm to the environment.

Collier is granted a variance from Rule 203(b) of Chapter 2: Air Pollution until February 1, 1978, subject to the following conditions. First, Collier is to obtain all necessary Agency permits. Second, Collier shall adhere to its compliance schedule and submit monthly progress reports to the Agency and the Board. Collier's compliance schedule is more appropriate because of the complexity of the pyroscrubber performance study (R. 14-15). We note that under Collier's compliance timetable, the variance period allows time for only the design of additional emission control equipment, should any be required. Should Collier require additional time to achieve compliance with Rule 203(b), it may petition the Board for an extension of this variance.

IV. PROCESS WEIGHT RATE

Although not necessary for the granting of a variance, the Board wishes to resolve the question of whether the weight of quench water should be included in determining the Process Weight Rate at the Collier facility. Based on the definition of Process Weight Rate found in Rule 201 of Chapter 2: Air Pollution, the weight of the quench water should not be included.

This Opinion and Order constitute the findings of fact and conclusions of law of the Board.

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ORDER

It is the Order of the Pollution Control Board that Collier shall be granted a variance from Rule 203(b) of Chapter 2: Air Pollution until February 1, 1978, subject to the following conditions:

1. Collier shall adopt and adhere to the following compliance schedule:

- Study pyroscrubber performance Complete by June 1, 1977
- Modify pyroscrubber June 1, 1977 through September 1, 1977
- Shakedown System and design emission control system (if necessary) September 1, 1977 through February 1, 1978

Should Collier require additional time for shakedown or to install any emission control system, it may petition the Board for an extension of this variance.

2. Commencing 28 days after the date of this Order and continuing on or before the tenth of each month thereafter, Collier shall submit written reports to the Agency and the Board detailing all progress made toward compliance during the reporting period. The reports shall be sent to:

Illinois Environmental Protection Agency
 Control Program Coordinator
 2200 Churchill Road
 Springfield, Illinois 62706

Illinois Pollution Control Board
 309 West Washington Street
 Suite 300
 Chicago, Illinois 60606

3. Collier shall apply to the Agency for all necessary construction and operating permits within 45 days of the date of this Order.

4. Within 28 days of the date of this Order, Collier shall execute and forward to the Agency and the Board at the addresses specified in Condition 2, supra, a Certification of Acceptance and Agreement to be bound to all terms and conditions of the variance. The form of said Certification shall be as follows.

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CERTIFICATION


I (We), _____ having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 77-48 hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

SIGNED _____

TITLE _____

DATE _____

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 15th day of September 19 77 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board