

ILLINOIS POLLUTION CONTROL BOARD
February 11, 1976

CPC INTERNATIONAL, INC.,)
Petitioner,)
)
v.) PCB 75-175
)
)
ENVIRONMENTAL PROTECTION)
AGENCY,)
Respondent.)
)
AND)
S.O.R.E.)
Intervenor.)

Mr. James W. Gladden, Jr. and Ms. Percy Angelo, Mayer, Brown, and Platt appeared on behalf of the Petitioner;

Ms. Kathryn S. Nesburg, Assistant Attorney General appeared on behalf of Respondent;

Mr. Dan Galatzer appeared on behalf of Intervenor.

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

This matter comes before the Pollution Control Board (Board) upon the Amended Petition of CPC International, Inc., (CPC) for variance from Rules 203(g)(1) and 203(i)(4) of the Air Regulations until March 1, 1977. The instant variance petition was filed April 28, 1975, amended August 12, 1975, and supplemented October 22, 1975. The Agency filed its recommendation August 12, 1975, and an amended recommendation January 6, 1975. A hearing was held October 27, 1975.

CPC seeks this variance for its corn wet milling plant in Bedford Park, Cook County, Illinois. Petitioner's process steam and electricity are supplied by five boilers, two of which are 225 MMBTU/hr gas-fired and the others being 332.5 MMBTU/hr pulverized, dry bottom, coal-fired boilers. The coal-fired boilers' emissions are currently controlled by multiclone dust collectors. 1800 people are employed at Petitioner's Bedford Park plant (R74) where 100,000 bushels of corn per day are milled and processed into finished products which include corn sugar, corn starch, corn oil and corn syrup.

CPC had previously received variances from Rule 104 of the Air Regulations in PCB 73-212 and 74-340. The purpose of these variances was to investigate the possibility of burning a combination of solid waste and pulverized coal in its coal-fired boilers. Emissions were to be controlled by bag-houses. Petitioner was unable to obtain a steady source of pelletized solid waste fuel to operate on a regular basis. Indeed, Petitioner states that, in order for the proposed fuel combination to be financially reasonable, the solid waste content would be between 30 and 50% (R125). Apparently CPC never obtained enough solid waste fuel to burn for 10 hours consecutively at that percentage (R129). CPC expended in excess of \$100,000.00 on this research project (R179). The Board finds that CPC has substantially complied with the conditions of its previous variances.

In the Case of Commonwealth Edison Company v. Pollution Control Board, Doc. No. 47352, the Supreme Court of Illinois affirmed an Appellate Court decision reversing the Board's adoption of 203(g)(1). As Rule 203(i)(4) concerns the date of compliance with Rule 203(g)(1), the petition for variance from both Rules will be dismissed as moot.

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

ORDER

It is the Order of the Board that CPC's petition for variance from Rules 203(g)(1) and 203(i)(4) of the Air Regulations be and is, hereby, dismissed without prejudice.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 11th day of February, 1976, by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board