

ILLINOIS POLLUTION CONTROL BOARD

May 22, 1975

AUTOMOTIVE PRODUCTS DIVISION,)
North American Rockwell,)
Petitioner,)
)
)
v.) PCB 75-136
)
)
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

OPINION AND ORDER OF THE BOARD (by Dr. Odell)

On April 1, 1975, the Automotive Products Division of North American Rockwell (Rockwell) filed a Petition For Variance with the Illinois Pollution Control Board (Board). Petitioner requested a variance from Rule 203(a) of the Air Pollution Regulations (Chapter Two) until September 30, 1975, "at which time Petitioner will have eliminated the source of pollution." Rockwell planned to permanently close down the emission source at that time. Petitioner operates a facility on the southern edge of Centralia, Illinois where fiberglass underbodies are produced for Chevrolet Corvettes.

Rockwell alleged that the preform machines have a process weight rate of 320 pounds per hour and emit 13.5 pounds per hour of particulate matter. Rule 203(a), effective April 14, 1972, limits emissions to 1.0 pound per hour. Petitioner alleged that the time and expense of controlling the excessive emissions would impose an unreasonable hardship upon it. Rockwell estimated that it would take 4 to 6 months to control the emissions and would cost "between \$50,000 and \$100,000" to comply with Rule 203(a) of Chapter Two.

The Illinois Environmental Protection Agency (Agency) filed a recommendation of denial on April 30, 1975. The Agency noted that Petitioner's emission rate was an estimated figure based on similar operations at a facility in another state. The Agency believed that a stack test was the only acceptable method of determining actual emissions. The Agency pointed out that Petitioner's estimate of cost and time for compliance was unsupported by documentation in the pleadings. Finally, the Agency stated that the Petitioner did not supply any information on past efforts to achieve compliance.


We dismiss the Petition For Variance on grounds of inadequacy. We concur with the expressions of the Agency that additional evidence should have been submitted regarding hardship,

particularly the reasons why compliance has been delayed for almost 3 years. We also note that the evidence has not been submitted to satisfy the requirements of Train v. Natural Resources Defense Council 43 LW 4467 (April 15, 1975) in which the U.S. Supreme Court held that states could grant variances from their implementation programs provided that the national ambient air quality standards were not violated. No evidence has been introduced to show compliance with the particulate standards in Petitioner's area. Such information must be submitted to enable the Board to rule on the Petition For Variance.

For the reasons stated, the Petition For Variance is dismissed without prejudice for inadequacy.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 22nd day of May, 1975, by a vote of 5 -
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Christan L. Moffett, Clerk
Illinois Pollution Control Board