

ILLINOIS POLLUTION CONTROL BOARD

April 4, 1975

MORTELL COMPANY,)
Petitioner,)
)
v.) PCB 74-416
)
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

ORDER OF THE BOARD (by Dr. Odell)

On March 28, 1975, Mortell Company filed a Motion To Amend the variance Order in Mortell Company v. Environmental Protection Agency PCB 74-416 adopted by the Illinois Pollution Control Board (Board) on March 6, 1975. Paragraph 5 of that Order required that once the first eight bag houses were installed, "Petitioner shall operate only those mixers which are equipped with bag houses." Petitioner has completed installation of the first eight bag houses several months ahead of schedule. The Motion indicates that the last five bag houses should be delivered by April 15 and can be operational by May 15, 1975. Petitioner requested that we delete paragraph 5 of the March 6 Order or grant a variance from that requirement until May 15, 1975.

On April 2, 1975, the Illinois Environmental Protection Agency (Agency) recommended that the Motion To Amend be denied because of the generally hazardous nature of asbestos emissions. The Agency did not refute any of the material statements of fact in the Motion, namely:

"6. The final five bag houses will be installed on one ribbon mixer and four caulk mixers. The mixers cannot be used interchangeably since they are of various sizes and utilize different piping, screening, etc. For example, in the one ribbon mixer for which a bag house has not been installed, plastisol sealer is made and that is the only mixer in which that product is manufactured.

"7. Petitioner is presently operating two shifts, five days per week. It is necessary for Petitioner to utilize the mixers for which bag houses have not as yet been installed while the final five bag houses are being installed if Petitioner is to avoid laying-off personnel, and in order to permit Petitioner to maintain its current production schedule."

The fact that the mixers cannot be used interchangeable was not brought out at the January 21, 1975, hearing. Since the

Agency did not challenge the above allegations in the Motion To Amend, we take them as true for purposes of this Order.

We grant the Motion To Amend. Petitioner is making good faith efforts to comply as rapidly as possible, and additional facts have been brought out making modification of Order #5 appropriate.

ORDER

Paragraph #5 of the Board's Order of March 6, 1975, in Mortell Company v. Environmental Protection Agency PCB 74-416 is amended to read as follows:

5. Upon completion of the first eight bag houses, Petitioner shall operate as much as is reasonably possible only those mixers which are equipped with bag houses. After May 15, 1975, only mixers equipped with bag houses shall be operated.

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 4th day of April, 1975, by a vote of 3 to 0.


Christan L. Moffett