

ILLINOIS POLLUTION CONTROL BOARD

December 5, 1974

AURORA REFINING COMPANY, )  
Petitioner, )  
 )  
v. ) PCB 74-321  
 )  
ENVIRONMENTAL PROTECTION AGENCY,) )  
Respondent. )

Mr. John O. Heimdal, attorney on behalf of Petitioner.  
Mr. Peter E. Orlinsky, attorney on behalf of Respondent.

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

On September 3, 1974, the Pollution Control Board (Board) received from the Petitioner a Motion seeking an extension of the Board's Orders 1 and 2 of April 18, 1974, in Environmental Protection Agency v. Aurora Refining Company, PCB 73-334. The Board had ordered Petitioner to cease and desist all violations of Section 9(a) of the Environmental Protection Act (Act) and Rule 3-3.111 of the Rules and Regulations Governing the Control of Air Pollution by August 16, 1974 (PCB 73-334). Petitioner's request in the current case, which is considered as a Petition for Variance, asked for additional time to install the planned baghouse system to achieve compliance. A letter from the supplier indicated that shipment of the baghouses was delayed because of "fabrication and assembly problems." Petitioner operates a facility in Aurora for the recovery of aluminum from dross.

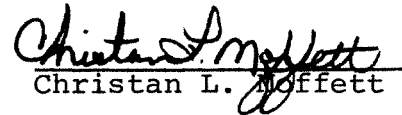
On November 25, 1974, a Recommendation was received from the Environmental Protection Agency (Agency). The Torit baghouses, which are to be installed to achieve compliance, were ordered on May 25, 1974. When an Agency engineer visited Petitioner's facility on October 29, 1974, the baghouse components were on the Petitioner's premises, but actual installation had not yet begun. Petitioner stated that installation of the baghouses "would require an additional six weeks." The Agency believes that the Petitioner's installation schedule is reasonable and that the Petitioner's control program will bring it into compliance. Since Petitioner has been diligent in its attempts to comply with the Board's Order, but was deterred by circumstances beyond its control, the Agency felt that denial of the Petitioner's request for a Variance would constitute an unreasonable hardship. The Agency recommended that Petitioner be granted a Variance from the Board's Order 1 in PCB 73-334 until December 10, 1974, subject to certain conditions.

The Board agrees that a Petition for Variance should be granted. In fact, the Variance is granted under Section 38 of the Act, since the Board failed to take final action upon this variance request within 90 days after the filing of the Petition. In the light of information supplied by Petitioner and in the Agency Recommendation, the Board interprets this Variance to extend to January 16, 1975, which provides six weeks of installation time after the date of this Order.

ORDER

IT IS THE ORDER of the Pollution Control Board that Petitioner be and is hereby granted a Variance from the Board's Order 1 of April 18, 1974, in PCB 73-334, from August 16, 1974, to January 16, 1975, in order to install baghouses for control of emissions from its facilities.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 5<sup>th</sup> day of December, 1974, by a vote of 5 to 0.

  
Christan L. Moffett