

ILLINOIS POLLUTION CONTROL BOARD

January 9, 1975

NATIONAL BY-PRODUCTS, INC.)
)
 Petitioner,)
)
 vs.) PCB 74-322
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD ON MOTION FOR MODIFICATION (by Mr. Henss):

Petitioner requests modification of the Board Order of November 7, 1974 to show the granting of variance from Section 9(a) of the Environmental Protection Act. On November 7, 1974 the Board issued its Order granting National By-Products a variance from Rule 802(b) (odors) of the Air Pollution Control Regulations for its Decatur rendering plant. That same Order denied National By-Products a variance from Section 9(a) of the Environmental Protection Act although variance from both Section 9(a) and Rule 802(b) had been previously granted in PCB 73-208.

The prior variance was granted provided that Petitioner comply with certain requirements including the installation of a hotwell cover for odor control. National By-Products completed the hotwell cover program and complied with the intent of our Order in PCB 73-208 but complaints from neighbors were still being received by the Company and by the Environmental Protection Agency. Because of these complaints the Board decided on November 7 not to extend the Section 9(a) variance.

Upon receiving Petitioner's Motion for Modification and the subsequent pleadings by the Agency and Petitioner, the Board has decided to reconsider its decision. We have reconsidered the character and degree of interference with the health, general welfare and physical property of the people who live near the rendering plant; the social and economic value of the rendering plant; the suitability of the rendering plant to the area in which it is located, including the question of priority of location in the area and the plans to close the plant in 1975; and the technical practicability and economic reasonableness or reducing or eliminating

the odorous emissions.

Based upon this review and the arguments of the parties, it is the opinion of the Board that National By-Products is entitled to a variance from Section 9(a) of the Act and it shall be so ordered.

The reason for now allowing the variance from Section 9(a) is that it is readily apparent that Petitioner has attempted to accomplish all economically reasonable and technically feasible control measures on a very old plant. Some reduction in odor has occurred but the neighbors are still bothered to a certain degree. The remaining control measure would be to shut the old plant down, which in our opinion, is unreasonable in light of the degree of the odor problem. The plant is now scheduled for permanent closure on June 15, 1975. With the conditions already imposed upon National we now believe that the threat of further action in the form of prosecution because of occasional violation of Section 9(a) is unwarranted.

ORDER

It is the Order of the Pollution Control Board that:

1. The Board Order issued on November 7, 1974 in PCB 74-322 be modified by deleting that language which denies variance from Section 9(a) of the Act.
2. National By-Products, Inc. be granted variance from Section 9(a) of the Environmental Protection Act for its Decatur rendering plant from August 15, 1974 until June 15, 1975. The variance is subject to all conditions specified in the November 7, 1974 Order.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 9th day of January, 1975 by a vote of 5 to 0.

Christian L. Moffett