ILLINOIS POLLUTION CONTROL BOARD

January 9, 1975

MISSOURI	PORTLAND CEMENT COMPANY,)		
	Petitioner,))		
vs	,)	PCB	74-407
ILLINOIS AGENCY,	ENVIRONMENTAL PROTECTION))		
	Respondent.	,		

ORDER OF THE BOARD ALLOWING INTERIM EXTENSION OF VARIANCE (by Mr. Henss):

On June 6, 1974 in PCB 73-480 we granted Petitioner a variance from Rule 203(b) and 203(d)(3) of the Air Pollution Control Regulations until January 1, 1975 for the purpose of installing and testing an electrostatic precipitator on No. 1 kiln at its Joppa, Illinois cement manufacturing plant. The variance provided that the plant shall not operate after January 1, 1975 without an electrostatic precipitator. Subsequently, Petitioner requested a three month extension of the variance, representing that construction delays beyond Petitioner's control would prevent compliance with the January 1, 1975 deadline. Under the time limitations established by the Environmental Protection Act the Board must rule on the new variance request by January 28, 1975. The Environmental Protection Agency has not yet filed its Recommendation and therefore the Board finds that it is unable to advance its time schedule and make an earlier determination in this case.

Missouri Portland Cement Company now requests an interim extension of variance during the month of January 1975 until the Board can make its final decision. Unless an interim variance is allowed Petitioner may be required to close down the facility prior to the time the Board can consider the merits of the original petition.

Petitioner's request is supported by the necessary affadvait and sufficient detail so that we can allow a short interim variance. It appears that Missouri Portland Cement Company has made a good faith effort to comply with its construction schedule and that the delays in construction are beyond its control. The delays were brought about by the following circumstances and conditions:

- a) delay of six weeks in general contractor's fabrication and erection schedule due to delay in receipt of structural steel and steel plates.
- b) delay of eight weeks caused by delay in shipping of fan motor and associated switch gear ordered on April 1, 1974.
- c) delay of eight weeks in delivery of precipitator.

Missouri Portland has kept the EPA advised of the delays and the possible effect on the time schedule for construction and operation of the precipitator.

The EPA has not responded to Petitioner's Application for Interim Extension of Variance. Under the circumstances, we accept as true the pertinent facts stated by Petitioner, and find that an unreasonable hardship will be created for Missouri Portland and its employees if the interim extension of variance is not granted. The interim extension of variance will be allowed to and including January 31, 1975.

This Opinion constitutes the findings of fact and conclusions of law of the Illinois Pollution Control Board with regard to the application for interim extension of variance.

ORDER

It is the Order of the Pollution Control Board that Petitioner's Joppa plant be granted variance from Rule 203(b) and Rule 203(d)(3) of the Air Pollution Control Regulations to and including January 31, 1975. Conditions 1 through 7 of our Order entered in PCB 73-480 shall remain in effect.

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