ILLINOIS POLLUTION CONTROL BOARD.

May 23, 1974

PERK FOODS COMP. Pet.	ANY, INC. itioner,)	
V•)) PCB	74-48
ENVIRONMENTAL P	ROTECTION condent	AGENCY,))	

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

On January 28, 1974, Perk Foods Company, Inc. filed its Petition for Variance. The Pollution Control Board (Board) ruled in the Interim Order of January 31 that the Petition was inadequate in that "it does not state the Rules and Regulations from which variance is desired. No statement is made of the quantity of particulates permitted under the appropriate Rule. No reasons are given for the delay in meeting the appropriate regulation."

An Amended Petition for Variance was filed on February 19, 1974, and final amendments were received on February 27, 1974. Petitioner prepares dog food for retail sale. Canned and bagged dog food is produced at 4540 South Kolmar in Chicago. Dog food cans are also manufactured at this facility. The final Amended Petition (of February 27) sought a variance from the particulate emission requirements of Rule 203(a) of Chapter Two: Illinois Air Pollution Regulations (Chapter Two). Petitioner also requested a variance from Section 9(a) of the Environmental Protection Act (Act) because of odor emissions at the plant. Petitioner asked that the variance be granted for one year from February 1, 1974.

Perk Foods filed an open waiver of the 90-day decision requirement of Section 38 of the Act on April 18.

The 203(a) particulate emissions discharge from two ground corn cyclone collectors. The two collectors receive a total of 28,200 lb/hr of ground corn in an air-veying operation. Stack tests indicated that particulates from these collectors total 56.4 lb/hr during the 2.84 hours that they operate each day. The allowable emission rate is 10.4 lb/hr under 203(a). The collectors function five days per week every week of the year. To achieve compliance, Petitioner is installing a baghouse to the cyclone collectors at a total cost of \$25,000. Compliance delay is predicted on unknowing violation of Chapter Two. The Environmental Protection Agency (EPA) filed its Recommendation on May 2, 1974, and advocated granting the variance as to Rule 203(a). EPA "is of the opinion that installation of the proposed baghouse will be sufficient to bring Petitioner's facility into compliance with Rule 203(a). The Agency believes that the timetable for installation of the baghouse

is reasonable... A variance from the particulate regulations will not be detrimental to the public since the emissions of ground corn particulates are nontoxic and since the Agency has received no complaints concerning the excessive particulate emissions."

To control its malodorous emissions, under Section 9(a) of the Act, Petitioner proposed to install a wet scrubber at a cost of \$55,000. This unit is to be operational by August 1, 1975. No reason was given for the delay in handling this problem. The EPA recommended denial of the variance in that "the Agency has received several complaints from residents living in the immediate vicinity of Petitioner's facility alleging noxious odors from Petitioner's plant."

We grant Petitioner's request for a variance as to Rule 203(a) of Chapter Two. Petitioner has set up a reasonable compliance program and is taking steps to abate the pollution problem, although Petitioner's action is tardy. In granting this Variance to Rule 203(a) the Board does so because of the compliance program and in recognition of the minimal adverse environmental impact during the variance period.

Petitioner's request for a Variance from Section 9(a) of the Act is denied without prejudice. No adequate statement of hardship to Petitioner is given. Petitioner requests a Variance from nuisance provisions of the Act while EPA has received complaints of the odor from Petitioner's plant. To grant this Variance would condone possible inconvenience to neighbors when Petitioner has not shown that it would be an unreasonable hardship to operate its plant so as not to cause such inconvenience.

ORDER

The request for a Variance from Section 9(a) of the Act is denied without prejudice. Petitioner is granted a variance from Section 203(a) of Chapter Two from January 1,1974, until December 31, 1974, subject to the following conditions:

- 1. Petitioner shall apply to the Agency for all permits necessary for the construction and operation of the baghouse.
- 2. Commencing thirty (30) days after the Board's Order herein, and continuing quarterly thereafter, Petitioner shall submit reports to the Agency detailing all progress made toward compliance with Rule 203(a). Said reports shall be sent to:

Environmental Protection Agency Division of Air Pollution Control Control Program Coordinator 2200 Churchill Road Springfield, Illinois 62706

- 3. Within thirty (30) days of the adoption of Board's Order, Petitioner shall post a performance bond in the amount of \$25,000, equal to the cost and installation of a baghouse which will meet the requirements of Rule 203(a) of Chapter Two.
- 4. Within thirty (30) days of the final installation of the baghouse, Petitioner shall arrange for a stack test to be conducted by an independent stack testing firm. The Agency shall be notified at least five (5) days prior to the test, and shall have the right to witness the test.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the again day of ______, 1974, by a vote of _______.

Christan L. Moffett, Clerk