

ILLINOIS POLLUTION CONTROL BOARD

June 20, 1974

ELIZABETH STREET FOUNDRY, INC.)	
)	
Petitioner,)	
)	
v.)	PCB74-200
)	
ENVIRONMENTAL PROTECTION AGENCY)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by Mr. Henss):

On October 22, 1973 Elizabeth Street Foundry filed its Petition requesting the Board to extend the time for compliance with our previous Order (installation of pollution control devices) from October 1, 1973 until January 15, 1974. Petitioner's compliance plan calls for the installation of an afterburner on its stack followed by a stack test to determine compliance with Rule 2-2.54 of the Rules and Regulations Governing the Control of Air Pollution. Because of inadequacy of gas pressure the company will use a gas booster pump sufficient to satisfy the afterburner requirements.

In the current Petition Elizabeth Street Foundry stated that the afterburner and related controls were being fabricated but could not be expected before November 15, 1973 and that the gas booster pump would not be available from the supplier until December 10, 1973. These delays, according to Petitioner, occurred because of a strain on the production capabilities of companies manufacturing pollution control devices or components. In addition, the compliance program allegedly suffered because James B. Troy, Chief Executive Officer of Elizabeth Street Foundry, contracted viral pneumonia in August causing him to be absent for substantial periods of time.

There was nothing in the original record to indicate that Elizabeth Street Foundry had created any air pollution nuisance in the neighborhood. We believe the delay in receipt of the equipment was beyond Petitioner's control. Therefore, it is our conclusion that the extension of time should be allowed.

In addition, we find that due to a docketing error, the 90 day period for action by the Board has elapsed. Therefore, Petitioner could deem its variance request granted by operation of law under the provisions of Section 38 of the Environmental Protection Act.

For the reasons specified in this Opinion the Petition is granted.

ORDER

It is Ordered that the period of time for the complete installation of the afterburner and related components and for the results of the stack test to be filed with the Board be extended to January 15, 1974.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 20th day of June, 1974 by a vote of 5 to 0.

Christan L. Moffett