

ILLINOIS POLLUTION CONTROL BOARD
February 7, 1974

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 vs.) PCB 73-36
)
 RHEEM MANUFACTURING COMPANY,)
)
 Respondent.)

ORDER OF THE BOARD (by Mr. Seaman):

On January 21, 1974, Rheem Manufacturing Company, Respondent in the above-captioned cause, filed its Motion For Leave To File Performance Test Results.

According to Paragraph 3(c) (p.7) of the Stipulation of Facts entered into between the respective parties to the subject cause, a "baghouse" dust collector device which was installed by Petitioner "will remove 99 + % of the particulates...." On December 28, 1973, duplicate performance tests of the baghouse control device were voluntarily conducted by Respondent under the direction of Air Resources, Inc. to verify the efficiency rate projected in the Stipulation of Facts. The results of said performance tests show a collection efficiency of 99.87% and 99.86% respectively.

The record in this matter was closed on December 17, 1973. The stack tests were not witnessed by the Agency, nor were the results stipulated to in the Stipulation of Facts. The proper method which Respondent should have followed to insure no prejudice to the Agency would have been a motion to reopen the proceedings whereupon the Agency would have had the opportunity to monitor the testing.

It is sufficient for the purposes of this proceeding that an Agency permit was issued for the baghouse in question. The Motion is hereby denied.

IT IS SO ORDERED.

Mr. Henss dissents.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was adopted on this 7th day of February, 1974 by a vote of 4-1.

