

ILLINOIS POLLUTION CONTROL BOARD
March 14, 1974

VELSICOL CHEMICAL CORPORATION)
PETITIONER)
)
)
v.) PCB 73-543
)
)
ENVIRONMENTAL PROTECTION AGENCY)
RESPONDENT)
)

WALTER P. GIBLIN, ATTORNEY, in behalf of VELSICOL CORPORATION
RONALD A. LINICK, ATTORNEY, in behalf of the ENVIRONMENTAL PROTECTION
AGENCY

OPINION AND ORDER OF THE BOARD (by Mr. Marder)

This action involves a request for variance filed on December 19, 1973, by Velsicol Chemical Corp. Petitioner seeks relief from Rule 205 (f) of the Air Pollution Regulations of the Illinois Pollution Control Board, until August 31, 1974. The Agency filed a recommendation on March 9, 1974, in which a grant subject to minor conditions was suggested.

Velsicol Chemical Corp. is located near Marshall in Clark County, Illinois. Facilities are owned and operated for the manufacture of agricultural chemicals and hydrocarbon resins. Raw materials used include various petroleum fractions at about 9400 lbs/hr, boron trifluoride at 180 lbs/hr, and lime at 85 lbs/hr. The main unit process is catalytic polymerization producing resins to be used in adhesives, paints, varnishes, core oils, hardboard saturants, and ink.

Petitioner had on June 13, 1973, received an operating permit for the units in question, based on the receipt of a construction permit application for an afterburner for said unit. At this time (June 1973) it was Petitioner's intent to bring about compliance with 205 (f) by incineration. Petitioner contends that sometime thereafter, and as a result of the pending energy problem, Petitioner considered alternate technology in the area of organic emission abatement. The technology considered was pressure filtration. Sometime thereafter Petitioner found that the potential program would have been uneconomical and abandoned it. Petitioner's plans are to return to the original methodology of incineration.

Incineration equipment has been ordered from the John Zink Company (cost \$17,000, Exhibit VI, Pg. 3), with delivery anticipated by May 1974. Petitioner alleges, and the Agency agrees, that said equipment should be operational by August 31, 1974. This equipment can operate

on either natural gas or fuel oil; a supply of fuel is not listed as a problem. The Board finds that the delay in this instance was not self-inflicted, but rather a result of a conscientious effort to achieve compliance in the most practical manner.

Emissions and Environmental Impact: Emissions emanate from what Petitioner terms its Eimco vent. Vapors are composed of primarily benzene, toluene, and xylene. The rate of emission is approximately 125 lbs/hr. Rule 205 (f) allows for 8 lbs/hr; the uncontrolled excess is then 117 lbs/hr. Both parties would seem to agree (e.g., Agency issuance of construction permit) that the proposed equipment will satisfactorily control the excess emissions.

Petitioner is located in a sparsely populated area, with the nearest residence 900 feet from the emission source. The Agency investigated the area and found that at the time of its visit no odor problems were evident outside the plant area. There are only very infrequent citizen complaints. The Agency reports that ground level concentrations in the area of the plant site are low.

Hardship: Petitioner alleges that its hardship would occur if it were forced to cease operations. The Board restates its contention that failure to grant a variance is not a shutdown order (48 Insulations, Inc. v. Environmental Protection Agency, PCB 73-478; E. I. du Pont de Nemours & Company v. Environmental Protection Agency, PCB 73-533). The Board realizes that such an option is open to Petitioner, and the following constraints would be imposed on Petitioner if it opted to shut down:

1. Potential dismissal of 121 employees.
2. Loss from market place of 5,000,000 lbs/mo. of hydrocarbon resins, some of which are solely produced by Vel-sicol.
3. Loss of sales of \$500,000 mo.
4. Loss of customers by Petitioner which could have long-term effect.

In light of the above, the Board finds that a variance is justified, and will so order. The Agency has recommended that any variance extension be conditioned by a showing by Petitioner of diligence or a compliance plan to direct the gas stream to a process combustion source. It would seem wiser to allow facts such as this to come forward at any future proceedings rather than condition the instant case. Certainly diligence on the part of Petitioner would be a prime consideration were an extension to become necessary.

This Opinion constitutes the findings of fact and conclusions of law of the Board.

ORDER

IT IS THE ORDER of the Pollution Control Board that Velsicol Chemical Corporation be granted a variance from Rule 205 (f) until August 31, 1974, subject to the following conditions:

- A) Within 30 days from the date of this Order, Petitioner shall file an updated compliance plan with the Agency. Said compliance program shall schedule compliance no later than August 31, 1974.
- B) Within 50 days from the date of this Order, Petitioner shall post a performance bond in a form satisfactory to the Agency in the amount of \$10,000, guaranteeing installation of equipment. The bond shall be posted with:

Fiscal Services Division
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 14th day of March, 1974, by a vote of 5 to 0.

Christan L. Moffett