

ILLINOIS POLLUTION CONTROL BOARD
December 6, 1973

ARMOUR-DIAL, INC.

v.

ENVIRONMENTAL PROTECTION AGENCY

PCB 73-388

MR. JOSEPH S. WRIGHT, JR., MICHAEL D. FREEBORN and HACKBERT, ROOKS,
PITTS, FULLAGAR, AND POUST, appeared on behalf of Armour-Dial
MR. FREDERICK J. ENTIN, Assistant Attorney General, appeared on
behalf of the Environmental Protection Agency

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

Armour-Dial filed a petition for variance from Rules 205(f), 103(b)(6)(E), 104(c)(1) of the Air Pollution Regulations on September 10, 1973. The Agency filed its Recommendation to grant the variance subject to an objection to the length of time requested by petitioner, on November 14, 1973. No hearing was held.

The Board granted Armour-Dial a variance from the same air regulations on June 21, 1973, PCB 73-105, until September 30, 1973. Armour-Dial's variance petition seeks an extension of the variance granted in PCB 73-105.

The Opinion and Order of the Board in PCB 73-105, contains a detailed description of Petitioner's manufacturing plant which is located in Montgomery, Illinois. A hearing in PCB 73-105, was held on May 17, 1973. Based on the record produced in that hearing, the Board granted Armour-Dial a short-term variance so that Armour-Dial could prepare final design plans and schedules to install equipment to control the 18-lbs./hr. of organic materials that are discharged from petitioner's cooling towers which are in excess of the allowable emission of 8-lbs./hr. found in Rule 205(f) of the Air Pollution Regulations. Armour-Dial allegedly received the final engineering plans from its consultant engineers on August 27, 1973, and submitted a revised project completion schedule covering the construction of the surface condensers to the Agency. This project completion schedule indicates that Armour-Dial will be in compliance on August 31, 1975. Armour-Dial is seeking to extend the short-term variance from Rule 103(b)(6)(E) and 104(c)(1) until December 31, 1973, and to extend the variance from Rule 205(f) until December 31, 1974.

The Agency states in its Recommendation that petitioner's proposed program for compliance with Rule 205(f) will reduce the odor problem which has been the subject of complaints received by the Agency, and if designed properly, reduce organic emissions to a level in compliance with Rule 205(f). The Agency alleges that the length of time requested by Armour-Dial is excessive because petitioner has allowed a seven month period between the letting of construction bids and the actual start of construction. The Agency allegedly does not understand why petitioner cannot perform its in-house evaluation of bids within two months after receipt in order that construction could begin by January 1, 1974 instead of April 1, 1974 as proposed.

The Board finds that the compliance program submitted by Armour-Dial should result in an abatement of the air pollution problem. The Board agrees with the Agency that such an extended period of time to perform in-house evaluation of construction bids is unreasonable.

This Opinion constitutes the Board's finding of fact and conclusions of law.

ORDER

The Board hereby grants Armour-Dial a variance from Air Pollution Regulations Rules 103(b)(6)(E) and 104(e)(1) until December 31, 1973, and Rule 205(f) until December 6, 1974, subject to the following conditions:

1. Commencing thirty (30) days from the date of this Order by the Pollution Control Board, Petitioner shall submit quarterly reports to the Agency detailing the results of all tests and studies undertaken and a complete description of all progress made toward compliance with Rule 205(f). Said reports shall be submitted to:

Illinois Environmental Protection Agency
Division of Air Pollution Control
Control Program Coordinator
2200 Churchill Road
Springfield, Illinois 62706
2. Petitioner shall achieve compliance with Rule 103(b)(6)(E) and Rule 104(c)(1) by December 31, 1973.
3. Petitioner shall apply for and obtain all necessary Construction Permits for its proposed control program.

4. Petitioner shall post a Performance Bond in the amount of \$100,000 to insure installation of the surface condensers. Such Performance Bond shall be posted by January 15, 1974, and shall be in a form satisfactory to the Environmental Protection Agency. Said bond shall be submitted to:

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

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 6th day of December, 1973 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board