ILLINOIS POLLUTION CONTROL BOARD September 26, 1973

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U. S. INDUSTRIAL CHEMICALS CO.

V.

PCB 72-292

ENVIRONMENTAL PROTECTION AGENCY

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

On October 14, 1971, the Board, in PCB71- 44, entered a Condition No. 6 in its order requiring SO_2 continuous monitoring from April 1, 1972 to September 1, 1972 in the area where crop damage had occurred in the past. The reason for this order was to make certain that crop damage experienced in the past was not due then to SO_2 emissions since acid mist and fluorides were also being discharged.

On September 29, 1972, the petitioner, U.S. Industrial Chemicals Company ("USI") submitted its required monitoring report performed by Monsanto Enviro-Chem Systems, Inc. On October 17, 1972, we extended the variance (PCB72-292) and retained jurisdiction over the SO_2 monitoring requirement pending a response from the Agency (see Condition No. 6 of order in 72-292, October 17, 1972). The Agency filed its response on October 24, 1972 stating among other things that:

> "Evaluation of the report has uncovered several apparent inconsistencies and raised numerous questions which the Agency feels should be clarified and answered in order to more thoroughly evaluate this report."

The Board then entered a Supplemental Order on October 24, 1972, ordering a hearing and retained jurisdiction for further orders as appropriate. After a Motion for Clarification from the Agency on December 11, 1972 and a response by the Board, hearing was held in Tuscola on April 5, 1973. For some unexplained reason, USI did not supply the transcript of the hearing until July 23, 1973.

A review of the hearing record shows substantial agreement now exists between the USI witness, Dr. Earl Spurrier, an agronomist, and the Agency witness, Mr. Robert Goldberg, a chemical engineer who heads their Air Variance Section. Dr. Spurrier testified that no visible symptoms of damage from SO₂ was found in corn and soybean fields (12-14)

by number) visited within one to one-and-one-half miles from the USI plant site center (R.18-19). He also stated that no yield loss in these crops would occur without visible damage being present. Mr. Goldberg accepted Dr. Spurrier's report as "essentially correct" (R.37-38). The Agency witness also stated that the sulfuric acid and phosphoric acid operations conducted in the past by USI may have been the cause for previous crop damage reports (R.35-36). The Agency indicated through Mr. Goldberg that they would not ask that the 1972 SO₂ monitoring program be repeated.

Thus both parties are now satisfied with the $1972 \, \mathrm{SO}_2$ monitoring program and therefore the Board will find that Condition No. 6 has been complied with fully.

ORDER

Condition No. 5 of the Opinion and Order of October 17, 1972 is declared to have been satisfied by the petitioner.

IT IS SO ORDERED.

I, Christan L. Hoffett, Clerk of the Illinois Pollution Control Board hereby certify the above Opinion and Order were adopted on the $__{loc}$ of September, 1973 by a vote of _____.

Christan L. Moffett, Clerk

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