

ILLINOIS POLLUTION CONTROL BOARD  
October 11, 1973

BELL AND HOWELL COMPANY )  
PETITIONER )  
 )  
 )  
v. ) PCB 73-253  
 )  
 )  
ENVIRONMENTAL PROTECTION AGENCY )  
RESPONDENT )  
 )

RICHARD O. BECKER, GROUP COUNSEL, on behalf of BELL AND HOWELL COMPANY  
JOHN E. SLATTERY, ASSISTANT ATTORNEY GENERAL, FOR THE ENVIRONMENTAL PROTECTION AGENCY

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

This case involves a petition for a variance from Rules 204 (f) (2) of Part II, Chapter 2, Air Pollution Control Regulations. The Agency recommends a six-months variance.

Petitioner operates a plant in Chicago, Illinois, which manufactures photographic equipment. An integral part of their operations is an anodizing line utilizing sulphuric acid. Emissions from this line (consisting of among other tankage four anodizing tanks) are vented to the atmosphere through a stack.

Rule 204 (f) (2) states:

"No person shall cause or allow the emission into the atmosphere from any process emission source to exceed 0.15 pounds of acid mist per ton of acid used or manufactured."

Petitioner has contracted for a stack test, and the results showed 0.0056 lbs/hr. or approximately 11.0 lbs/yr. emission rate. Petitioner is a small user of sulphuric acid using only 4300 lbs/yr. of sulphuric acid. This would calculate out to an allowable emission rate of 0.00016 lbs/hr. or 0.323 lbs/yr. Therefore Petitioner is in violation of Rule 204 (f) (2).

Petitioner has filed (R-73-2) on February 13, 1973, a petition requesting review of Rule 204 (f) (2), and cites said petition as

one reason for grant of variance. This reason must be struck in that it would open up a host of variance requests based on frivolous review petitions.

Petitioner has, however, shown good faith, both in conducting independent stack tests and evaluations into mist suppressants.

The granting of a variance must be supported by a statement as to unreasonable hardships and insurance that the grant would impose no health hazard on the public. The Board finds that the following statements support a variance grant.

- A) Anodized finishes are critical to Petitioner's overall operations, and serious hardship would be imposed if it were forced to shut down the anodizing line.
- B) Discharges of eleven pounds of sulphuric acid per year would not cause a serious health hazard, as this amount is below many other specified contaminants, and would certainly be below allowable emissions for a major user.

The only point that is troublesome to the Board is that the Petitioner presents no clear compliance program, but rather relies on the outcome of its petition for review of R-73-2. The Board feels that until and if a review and amendment is adopted, it is the burden of the Petitioner to comply with existing rules.

Petitioner claims that it has investigated methods to control acid mist, but has found none to be "technically or economically feasible." There is no evidence presented to back up this statement. Removal of sulphuric acid mist from an exiting gas stream does not seem to be an extremely difficult operation, and the burden of proof pertaining to the above statement clearly rests on Petitioner.

The compliance date for Rule 204 (f) is December 31, 1973. As such the Board will not grant a variance from this rule. It is hoped that Petitioner can be in compliance by the December 31, 1973, date. A variance will be granted to Rule 104 to allow Petitioner to file a compliance plan and project completion schedule by December 31, 1973. If Petitioner finds that its compliance plan will not allow compliance by December 31, 1973, it may apply for a variance to Rule 204 (f) (2) at that time.

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

ORDER

IT IS THE ORDER of the Illinois Pollution Control Board that a variance be granted from Rule 104 until December 31, 1973, subject to the following conditions:

1. Petitioner shall continue to maintain present levels of mist suppressants to control emissions of sulphuric acid mist and increase such level to the extent that such increase does not change anodic finishes to an unacceptable quality level.
2. Petitioner continues to research all possible control techniques for sulphuric acid mist.
3. Petitioner reports to the Agency every two months as to its progress in conditions (1) and (2).

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 11<sup>th</sup> day of October, 1973, by a vote of 4 to 0.

Christan L. Moffett

