## ILLINOIS POLLUTION CONTROL BOARD February 27, 1973

ENVIRONMENTAL	PROTECTION	AGENCY	) ) ) #72-18	30
v. MYSTIK TAPE, A	A DIVISION (	)F	)	
BORDEN, INC.			)	

ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

Respondent seeks reconsideration of the Board's Opinion and Order entered January 16, 1973. Respondent's motion is denied.

Respondent has proposed a substitute order which would grant it a variance from compliance with any odor nuisance abatement deadline. In addition, Respondent wishes to strike the following portion of the opinion:

> "We note that many odor control techniques exist of which the Respondent has mentioned process modification and incineration as having a high probability of success."

Respondent, further, would wish to be bound only by a date for completion of a solvent substitution program.

The Record in this case includes over 1200 pages of testimony that has established an odor nuisance caused by Respondent. There is exhaustive testimony offered by Respondent that solvent emissions are not the source of the odor nuisance. For this reason, we find that a solvent substitution program alone would serve no real benefit, and a substitute order to that effect would be without merit. We are not concerned with the precise nature of Respondent's manufacturing process, but with the environmental implications which we direct them to abate.

Respondent alleges that it "will be impossible to comply with... complete abatement of the odor nuisance (by) no later than June 1, 1973." However, nowhere in Respondent's motion is any data or information provided that would support such a conclusion. The Order required abatement of the odor nuisance, not complete abatement of the odors produced by Respondent's facility. Respondent introduced extensive testimony on its odor abatement program which included impregna-

tion of the most noxious tapes with odor counteractants (R. 1097). Respondent also provided testimony that those noxious tapes could be run on one machine which would reduce the cost of odor nuisance abatement (R. 1120). Process modification and incineration were methods discussed in detail by Respondent. The sum and substance of that testimony was that Respondent was proceeding rapidly on an odor abatement program which would result in success.

To date, Respondent has offered no program as required by the Order. That Order reflects the Board's intention to not restrict Respondent's approach to its problem. It is too soon for Respondent to seek relief from that Order. We might consider granting a subsequent variance request after the program has been submitted, found appropriate and implemented if the completion date then appears impossible and is not the result of the Company's dilatory response. Respondent's motion, if granted, would be a complete repudiation of the Opinion, not a modification of the Order. We therefore deny the motion for reconsideration of the January 16, 1973 Opinion and Order.

IT IS SO ORDERED.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was adopted on the 21th day of February, 1973, by a vote of \_\_\_\_ to \_\_\_.

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