

ILLINOIS POLLUTION CONTROL BOARD
January 23, 1973

KEYSTONE CONSOLIDATED INDUSTRIES, INC.)
)
) #72-459
)
) v.
)
) ENVIRONMENTAL PROTECTION AGENCY)

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

Petition was filed for variance with respect to Rules 103(b) (2) of Chapter 2, Rules and Regulations Governing the Control of Air Pollution, seeking until March 1, 1973 for the filing of operating permit applications and until June 1, 1973 for the obtaining of such permits. Application for permit was due September 1, 1972 and operating permits were required to be obtained by December 1, 1972. Operating permit applications were submitted by petitioner through the Agency on September 5, 1972 and September 25, 1972 and returned to petitioner because of insufficiency of information.

Petitioner's difficulty in achieving compliance appears to be, in part, a consequence of not understanding the availability of the use of standard emission factors in lieu of actual testing. Petitioner's variance request is premised in large measure on the time and cost involved in testing procedures necessary as a pre-requisite to permit application. However, the use of standard emission factors would preclude both the time and cost inherent in the necessary preparation, and, accordingly, we do not feel that petitioner has set forth sufficient grounds to satisfy the delay sought and the hardship consequential to compliance. In the event of a prosecution for failure to comply with the regulations, all contentions made by the petitioner in this proceeding could be asserted by way of defense.

The petition for variance is denied.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on the 23RD day of January, 1973, by a vote of 3 to 0.

Christan L. Moffett