

ILLINOIS POLLUTION CONTROL BOARD  
May 17, 1972

U. S. INDUSTRIAL CHEMICALS COMPANY )  
DIVISION, NATIONAL DISTILLERS AND )  
CHEMICAL CORPORATION ) #71-44  
)  
)  
v. )  
)  
ENVIRONMENTAL PROTECTION AGENCY )

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

On March 21, 1972, the Board received a Motion filed by U. S. Industrial Chemicals Company Division, National Distillers and Chemical Corporation, seeking amendment to the Board's Order of Variance granted on October 14, 1971, in three particulars: First, that petitioner be permitted to operate its sulphuric acid plant until May 31, 1972 in lieu of March 30, 1972 as originally provided; Second, that paragraph 3 of the October 14, 1971 Order, which presently provides as follows:

"3. U. S. Industrial Chemicals Co., through an independent recognized consultant, shall establish, operate and maintain continuous monitoring stations for SO<sub>2</sub> for the period from April 1, 1972 to September 1, 1972 in the area where crop damage has occurred in the past. Within 30 days after September 1, 1972, the company shall file with the Board and Agency a program for the alleviation of excess SO<sub>2</sub> levels sufficient to cause plant damage. The Board shall issue a further order as required."

be amended by substituting for the last two sentences thereof, the following:

"Within thirty (30) days after September 1, 1972, the Company shall file with the Board and Agency a report containing the results of such monitoring."

and that paragraph 4 of the October 14, 1971 Order with respect to the posting of the bond, which now provides as follows:



"4. The company shall, within thirty-five days after receipt of this order, post with the Agency a bond or other security in the amount of \$500,000.00, in a form satisfactory to the Agency, which sum shall be forfeited to the State of Illinois in the event that the conditions of this order are not complied with or the facilities in question are operated after expiration of these variances in violation of regulation limits."

be amended to read as follows:

"The Company shall post with the Board a Performance Bond in the penal sum of Five Hundred Thousand Dollars (\$500,000.00) with Surety thereon to assure the performance of the conditions set forth in the Board's orders and that the facilities in question shall not be operated after the expiration of regulation limits."

On April 11, we ordered petitioner to file an affidavit setting forth all facts which it feels would justify the modifications requested, including a detailed report on the status of the sulphuric acid plant, together with documentation and data with the reasons why petitioner is incapable of complying with paragraph 3 of the Order with respect to monitoring and control of SO<sub>2</sub> emissions. We directed the Agency to file an affidavit covering the foregoing matters and indicating why it disapproved of the form of the bond as proposed by petitioner. Both petitioner and the Agency have complied with this Order.

The petitioner states that the new direct hydration alcohol plant is now in operation and the sulphuric acid plant was closed down on April 28, 1972. This moots the request that the sulphuric acid plant be permitted to operate until May 31, 1972.

With regard to paragraph 3 concerning monitoring for SO<sub>2</sub> emissions and the submission of a program by October 1, 1972 for alleviation of excess SO<sub>2</sub> levels sufficient to cause plant damage, petitioner, at this late date, asserts that it does not understand what is required by the Board's order and suggests that it is incapable of presenting a plan until it knows what the nature of the problem is that it is required to alleviate. It is clear from our original order that the Board intended that the petitioner monitor SO<sub>2</sub> emissions where crop damage has occurred in the past. If excessive concentrations are noted, then this fact should be reported to the Board and a program of emission control and abatement prepared and submitted to alleviate the excess SO<sub>2</sub> emissions that were sufficient to cause plant damage.

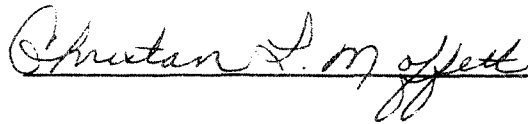
We fail to understand why the petitioner is incapable of complying with this simple directive, and we are not disposed to modify this portion of the Order.

Likewise, we are not disposed to change paragraph 4 with respect to the amount and form of bond to be required. This matter has previously been the subject of consideration by the Board and we adhere to our previous order requiring a forfeiture bond as originally directed. See Order of Board dated February 3, 1972, incorporating form of bond approved by the Board

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

IT IS THE ORDER of the Pollution Control Board that petitioner's motion to amend our order of October 14, 1971, be and the same is hereby denied.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the above Opinion and Order was adopted on the 17<sup>th</sup> day of May, 1972, by a vote of 4 to 0.

  
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