

ILLINOIS POLLUTION CONTROL BOARD
September 6, 1972

IN THE MATTER OF:)
)
PROPOSED REGULATION MODIFYING)
REGULATIONS WITH RESPECT TO) #R72-15
CONTROL OF AIR POLLUTION FILED)
BY METROPOLITAN INCINERATOR)
ASSOCIATION AND THE INCINERATOR)
INSTITUTE OF AMERICA)

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

On August 31, 1972 the Board received a letter from Robert A. Carrane of the law firm of Elliott, Carrane, Uruba & Wayt on behalf of the Metropolitan Incinerator Association and the Incinerator Institute of America stating that the associations were "requesting a hearing by the Pollution Control Board for the purposes of extending the time to comply with the [air] regulations set down by your Board which were effective April 15, 1972. Neither association in any way is agreeing or acquiescing to any of the regulations outlined but is merely requesting that an extension of time be provided until April, 1974 for compliance or further study of said regulations."

The reasons ascribed for the "imperative need for such an extension" are the nature of the testimony given at the hearings, the unrealistic character of the carbon monoxide limitations and testing procedure, the fact that the regulations with respect to incinerators exceed the Federal standards, the need for more time to determine whether compliance is possible consistent with the ability to manufacture a marketable incinerator, the likelihood of loss resulting from the scrapping of inventory if compliance is required, the difficulty in complying with the permit requirements within the time specified and the need for additional time for further study and research, during which time manufacture and installation of incinerators should continue, presumably independent of the restrictions imposed by the regulations.

The letter is, in effect, a petition for new hearings on the regulations which petition is denied. All matters alluded to have been considered in detail at the lengthy hearings held prior to the adoption of the regulations in which representatives of the incinerator industry actively participated and whose views were carefully considered. We are not disposed to reopen the entire matter for reconsideration. (See Opinion In Matter of Petition of Metropolitan Sanitary District for Amendment of Certain Water Quality Standards, #R72-4.) To the extent consistent with the law and regulations,

variance petitions will be considered in individual cases of alleged hardship when such petitions are properly brought before the Board. However, a blanket variation filed on behalf of a trade association is not deemed appropriate and to the extent the present petition could be considered a variation application for the entire incinerator industry, said petition is denied.

IT IS SO ORDERED.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above Opinion and Order on the 6th day of September, 1972, by a vote of 4 to 0.

Christan L. Moffett