ILLINOIS POLLUTION CONTROL BOARD December 27, 1971

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ROESCH ENAMEL & MFG. CO.

71-294

v.

ENVIRONMENTAL PROTECTION AGENCY

Opinion of the Board (by Mr. Currie):

Our order of July 12, 1971 (#71-62) gave Roesch 60 days to take positive action, including submission of a concrete program, toward control of particulate emissions from its Belleville factory. Among the conditions of that variance were the posting of security, the payment of a penalty, and the testing of a proposed "Kohl" control system.

The security, it is now alleged, has been posted and the penalty paid. The Kohl system was found wanting, and Roesch tells us it has contracted for the purchase and installation of baghouses, to be completed by six months after the date of our initial order, or about January 12, 1972. Roesch asks that we extend the variance till then, and we do so.

According to the petition, the company has moved with dispatch to do what we ordered. The July order contemplated some additional time in which to make the actual installation, and the time requested seems as short as is practicable. The system chosen has received an Agency permit, indicating it is expected to do the job. We say "according to the petition" because, despite the lapse of ninety days since the petition was filed with the Agency, we have not received the Agency recommendation which the statute requires. We must therefore act on the petition today or have it granted by default. Since the schedule appears reasonable on its face and no objections have been received, we take Roesch at its word and grant the extension on the basis of the petition and attached documents alone. We urge the Agency to be more prompt in the future. Cf. Electric Wheel Co. v. EPA, #71-55 (June 9, 1971).

ORDER

Roesch Enamel and Manufacturing Co. is hereby granted a variance to emit particulate air contaminants in excess of those permitted by the Rules and Regulations Governing the Control of Air Pollution until January 12, 1972, provided the following conditions are met:

- 1) The security posted in compliance with our July 12 order shall be made applicable to the revised program; and
- 2) Roesch shall diligently pursue the control program described in its supplemental petition for variance; and
- 3) Roesch shall not increase its particulate emissions during the period of this variance; and
- 4) Roesch shall file a status report with the Board and with the Agency on or before January 31, 1972.

I, Christan Moffett, Acting Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion this 27th day of December, 1971 by a vote of 4-0.

Christen Molfett