

ILLINOIS POLLUTION CONTROL BOARD
March 11, 1976

BEE CHEMICAL COMPANY,)
)
 Petitioner,)
)
 v.) PCB 76-53
)
)
 ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

INTERIM ORDER OF THE BOARD (by Mr. Goodman):

This matter comes before the Pollution Control Board (Board) upon the February 26, 1976, Petition of Bee Chemical Company for variance from the organic material emission standards of the Air Pollution Control Regulations.

The petition is inadequate in that it fails to comply with Rule 401 of the Board's Procedural Rules. The Petitioner has failed to supply the Board with the following information, which prevents the Board from making a reasonable assessment in this matter:

(i) specific identification of the particular provisions of the Environmental Protection Act or regulations from which the variance is sought;

(ii) a description of the business or activity in question;

(iii) the quantity and type of raw materials processed, and a description of the particular process or activity in which the raw materials are used;

(iv) an estimate of the quantity and type of contaminants discharged;

(v) data showing the nature and extent of the present failure to meet the particular provisions from which the variance is sought;

- (vi) a description of existing and proposed equipment for the control of discharges;
 - (vii) a time schedule for bringing the activity into compliance;
 - (viii) a detailed description of the program to be undertaken to achieve compliance, including a time schedule of all phases involved from initiation to completion and the estimated costs involved;
 - (ix) an explanation of why Petitioner believes the program proposed will achieve compliance.
 - (x) details as to past efforts to achieve compliance and results achieved.
- (b) A concise statement of why the petitioner believes that compliance with the provision from which variance is sought would impose an arbitrary or unreasonable hardship, including a description of the costs that compliance would impose on the Petitioner and others, information as to the feasibility of alternatives available to abate the violations and their costs.
- (c) The injury that the grant of the variance would impose on the public including the effect that continued discharge of contaminants will have upon the air, water or land.
- (d) If the Petitioner seeks a delay in complying, a statement of the reasons for such delay.
- (e) A clear statement of the precise extent of the relief sought.

The Petition is also inadequate in that it fails to show whether the ambient air quality of the area which would be affected by the grant of the variance meets the national ambient air quality standards and whether grant of the variance would interfere with those air quality standards.

Petitioner also appeals from denial of its application for an Operating Permit. However, Petitioner indicates that there are recent changes in its manufacturing process which change the facts upon which the original permit application was based. The Environmental Protection Agency has not yet acted upon this information. Therefore, the Permit Appeal is dismissed without prejudice.

It is the Order of the Board that Bee Chemical Company supply the Board with the aforementioned information within 45 days of this Order. The ninety day decision period shall commence upon the receipt by the Board of Bee Chemical Company's Amended Petition. Failure to timely file said petition shall cause this matter to be dismissed. The Permit Appeal is hereby dismissed without prejudice.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Interim Order was adopted on the 11th day of March, 1976 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board