

ILLINOIS POLLUTION CONTROL BOARD
July 12, 1979

THE CELOTEX CORPORATION,)	
)	
Petitioner,)	
)	
v.)	PCB 78-109
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by Mr. Goodman):

The Celotex Corporation (Celotex) is before the Board pursuant to an Order of the Illinois Appellate Court remanding a case to the Board for further proceedings (The Celotex Corporation v. Illinois Pollution Control Board et al., Ill. App. 3d _____, 382 N.E. 2d 864 (4th Dist., November 14, 1978)). The Board had previously dismissed this case on a collateral issue and was overturned on appeal.

Celotex is seeking relief from Section 9(a) of the Environmental Protection Act (Act) and from Rules 102, 202 and 203 of the Air Pollution Control Regulations, Chapter 2, until June 25, 1979 for its paper mill located at Quincy, Illinois. No hearing has been held in this matter, and the Board has received no public comment.

Celotex produces paper backing and facing sheets at this facility for its gypsum board products manufactured at other plants located throughout the United States. The specific equipment for which variance is requested are two chain grate stoker boilers generating a total of approximately 85,000 pounds of steam per hour and used in connection with production processes. Celotex was granted a construction permit in 1975 to install a fly ash collector on each of the boilers and the equipment was installed in that year. However, stack tests performed in 1977 indicated that stack emissions were in excess of established emission standards. In early 1978 Celotex decided to install multiclones and induced draft fans and indicated a construction schedule to the Agency, which called for complete installation and stack testing by May 11, 1979.

In November, 1978 the Agency granted Celotex's request for a construction permit subject to certain conditions, including completion by the May 11, 1979 date. In its recommen-

dation, the Agency states that it has received no objections to granting a variance and believes that the proposed equipment will meet the standards of Rule 203(g)(1)(B) and Rule 202(b) of the Board's Chapter 2 Regulations. The Agency further indicates that Quincy Township in Adams County has an air quality level for particulates that is better than the applicable National Ambient Air Quality Standard, and further believes that the air quality of the area will not be harmed in any substantial manner should the variance be granted.

Data provided by the Agency in its recommendation indicate that the excess stack emissions involved in the situation amounts to approximately 50 lbs./hr. total. Celotex alleges that immediate compliance would be an arbitrary or unreasonable hardship due to the cost to the company and the public when balanced against the very small benefits that would accrue from such compliance. Considering the minimal effects on the environment should this variance be granted and the fact that Celotex installed the original abatement equipment in a timely fashion but was unable to comply with the regulation apparently due to a misjudgment concerning the effectiveness of the equipment utilized, the Board will grant the variance requested. Celotex has requested the variance be extended until June 25, 1979 due to unforeseen and unavoidable equipment delivery delays and the Agency has no objection to this short extension. The variance will be granted until June 25, 1979 under certain conditions.

This Opinion constitutes the findings of fact and conclusions of law of the Board in this matter.

ORDER

It is the Order of the Pollution Control Board that:

- 1) Finding that Celotex Corporation is currently unable to comply with the Board's Regulations, variance is granted from Section 9(a) of the Environmental Protection Act and Rules 102, 202 and 203 of the Air Pollution Control Regulations, Chapter 2, until June 25, 1979 under the following conditions:
 - (a) Celotex shall follow the compliance plan contained in its petition for variance filed April 19, 1978 and amended on March 30, 1979 which documents are hereby incorporated by reference as if fully set forth herein.
 - (b) Celotex shall submit monthly status reports to the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

- (c) Celotex shall submit a final stack test report within 30 days after stack testing is completed.
- (d) In the event of a violation of the 24-hour primary standard at the Quincy Air Sampling Station, Celotex shall restrict or reduce its emissions as soon as possible.
- (e) Within 45 days of the adoption of this Order, Celotex shall execute and forward to the Illinois Environmental Protection Agency at the address given in subparagraph (b), a certification of Acceptance and Agreement to be bound to all terms and conditions of this Order. The 45 day period shall be held in abeyance during any period this matter is being appealed. The form of said certification shall be as follows:

CERTIFICATION

I (We), _____, having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 78-109, hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

SIGNED _____

TITLE _____

DATE _____

- 2) Celotex is hereby notified that it may be liable for non-compliance penalties under Section 120 of the Federal Clean Air Act.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 12th day of July, 1979 by a vote of 5-0.



 Christan L. Moffett, Clerk
 Illinois Pollution Control Board