



attainment area for total suspended particulates (TSP). The monitoring station nearest to the facility, located approximately 10 miles northeast of the facility, recorded annual geometric means of 70 ug/m<sup>3</sup> and 64 ug/m<sup>3</sup> for TSP in 1978 and 1979 respectively.

Petitioner's original variance petition described the various changes that were made after consultation with engineers representing the manufacturer of the filter. Several engineering alternatives were implemented in accordance with the instructions of the consultants without success. These remedial actions included changes in the types of bags used, equipment modifications, increasing purge air pressure, installation of a new purge air fan motor, extending the pipe inlet to the purge air fan, and changes in ventilation.

Petitioner's program to achieve compliance with the TSP emission limitation in Rule 203(a), set forth in its amended petition, includes raising the temperature of filter bags during purge and installing high temperature filter bags. If these steps are unsuccessful, the program requires the installation of a new high pressure purge filter baghouse system by September 30, 1980.

The Board finds the compliance program and time schedule reasonable and, therefore, will grant a variance through September 30, 1980. To deny a variance would impose an unreasonable hardship upon Petitioner in light of its substantial and good faith efforts to achieve compliance and in light of the minimal adverse effects on the environment.

Variances from the Board's air regulations may be granted only if they are consistent with the Clean Air Act, 42 U.S.C. §7401, et seq. The Agency intends to submit any variance granted herein to the U. S. Environmental Protection Agency as a revision to the State Implementation Plan (SIP) pursuant to 42 U.S.C. §7410(a)(3). Such submittal will cause this variance to be consistent with the Clean Air Act upon approval by the U. S. Environmental Protection Agency as a revision to the SIP. Petitioner, however, may become subject to noncompliance penalties under 42 U.S.C. §7420 if the terms and conditions of this variance are not met.

The Board has considered all the facts and circumstances bearing upon the reasonableness of the emissions involved, including an objection to the petition filed by one of Petitioner's neighbors. If Petitioner follows the Order herein, the amount of dust reaching the neighbor's property should be minimized to the extent that it is technologically feasible to do so.

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

ORDER

It is the Order of the Illinois Pollution Control Board that Medusa Aggregates Company be granted a variance from Rules 203(a) and 203(f) of Chapter 2, the Board's Air Pollution Control Rules and Regulations, through and including September 30, 1980 under the following conditions:

1. Medusa Aggregates Company shall enact the following compliance plan:
  - a. By June 13, 1980, raise the temperature of filter bags during purge.
  - b. By July 11, 1980, install high temperature filter bags.
  - c. By September 30, 1980, if steps (a) or (b) are unsuccessful, install a new high pressure purge filter baghouse system.
  
2. Within 21 days of the date of this Order, and every month thereafter, Medusa Aggregates Company shall submit written reports detailing the progress made in achieving compliance with Rules 203(a) and 203(f) of Chapter 2: Air Pollution Control Rules and Regulations to the Illinois Environmental Protection Agency, Division of Air Pollution Control, Control Program Coordinator, 2200 Churchill Road, Springfield, Illinois, 62706 and to the Illinois Environmental Protection Agency, Division of Air Pollution Control Region I, Field Operators, 1701 South First Avenue, Maywood, Illinois 60153.
  
3. On or before September 30, 1980, Medusa Aggregates Company shall conduct a stack test and shall notify the Illinois Environmental Protection Agency at the addresses above in writing at least 7 days prior to testing to allow Agency representatives to witness the test. Medusa Aggregates Company shall submit all results of such test to the Agency at the addresses above on or before October 15, 1980.
  
4. Medusa Aggregates Company shall execute a Certification of acceptance of the terms and conditions of this variance within 45 days of the date of this Order and shall send copy of the executed Certification to the Agency at the addresses above. The 45-day period shall be held in abeyance during any period that this matter is being appealed. Certification shall be in the following form:

CERTIFICATION

I (We), \_\_\_\_\_, having read and fully understanding the Order in PCB 80-55, hereby accept that Order and agree to be bound by its terms and conditions.

Signed \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 24<sup>th</sup> day of July, 1980 by a vote of 5-0.

*July*

*Christan L. Moffett*

Christan L. Moffett, Clerk  
Illinois Pollution Control Board