

ILLINOIS POLLUTION CONTROL BOARD  
November 15, 1979

OLIN CORPORATION (JOLIET), )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 79-29  
 )  
 ) ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

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

Petitioner filed its Petition for Variance and for Amendment of the State Implementation Plan (Petition) on February 13, 1979 and a supplement (Amended Petition) thereto on May 3, 1979, which on May 10, 1979 the Board ordered construed as an amendment to the petition. On June 15, 1979 the Agency recommended the Board grant the variance.

A hearing was held on June 26, 1979 on the amendments Petitioner sought to make to the State Implementation Plan (SIP), at which time a joint stipulation and memorandum were received into the record (R.7).

Petitioner owns and operates a facility in Joliet which manufactures a variety of phosphate products using four phosphoric acid production lines constructed between 1948 and 1954. Each production line consists of four digester tanks, one of which has no cooling capabilities and is independently mixed, and one rock slurry tank. Particulate emissions from these twenty tanks are presently uncontrolled and emitted to the atmosphere through twenty stacks. Stack tests upon the aggregate of emissions from the twenty stacks indicate particulate emission rates of 140 lbs./hr. and 433 tons/yr.; Rule 203(a) of the Board's Air Pollution Control Regulations limit such rates to 46.6 lbs./hr. and 144 tons/yr.

Petitioner's facilities also contain four tripolyphosphate drying kilns, two each housed in separate buildings "A" and "B", which were constructed between 1948 and 1954. All particulate emissions are presently exhausted to separate low efficiency cyclones and water scrubbers. Stack tests upon the aggregate of emissions from kilns in building A indicate rates of 33.5 lbs./hr. and 76.2 tons/yr.; Rule 203(a) limits such rates to 13.2 lbs./hr. and 34.4 tons/yr. Stack tests

upon the aggregate of emissions from kilns in building B indicate rates of 36.6 lbs./hr. and 115.3 tons/yr.; Rule 203(a) limits such rates to 13.2 lbs./hr. and 41.6 tons/yr.

The Agency has determined that control of such aggregated sources will reduce ambient concentrations of total suspended particulates in the Joliet area, which is designated nonattainment for total suspended particulates, by approximately 404.5 tons/hr. Petitioner had expected to achieve compliance with Rule 203(a) by August, 1979; the Agency therefore excused Petitioner from submitting monitoring or modeling data regarding ambient air quality violations.

One of those facts set forth in the Stipulation is that Petitioner and the Agency have agreed upon the issues of aggregation of sources and emission standards applicable to Petitioner's phosphoric acid and sodium tripolyphosphate (STPP) facilities in Joliet (Petition, Ex.A). Another of those facts is that at the time the Board's Air Pollution Control Regulations were enacted, Petitioner was in violation of Rule 203(b) due to the fact that Petitioner's phosphoric acid plant and STTP facilities were not then considered aggregated although they were properly aggregable (Stipulation, Par.5).

In such circumstances where either no variance had been granted from compliance with Rule 203(b) or construction or modifications sufficient to achieve compliance with Rule 203(b) has not occurred before the effective date of Part 2 of the Air Pollution Control Regulations, Rule 203(c) specifies that Rule 203(a) shall apply to existing process sources rather than Rule 203(b). Petitioner, although having been granted operating permits in 1973 and 1974 (treating the sources herein as individual existing ones), had neither been granted a variance from Rule 203(b) by the Board nor begun construction or modification to comply with Rule 203(b) on the date the regulations became effective, e.g., December 31, 1973 (Agency alleges April 14, 1972). (See Air Pollution Control Regulations, Rule 208.) The Board thus finds that Rule 203(a) applies and not Rule 203(b).

In Union Carbide v. EPA, PCB 73-13 (November 8, 1973), the Board expressed its policy of determining on a case by case basis whether sources should be aggregated. The parties stipulate that Petitioner's four phosphoric acid plant lines and four kilns A (North and South) and B (North and South) are single emission sources for aggregation (Stipulation, Pars. 7, 9 and 10). The Board finds that these sources are single emission sources regardless of whether they are aggregable and that any loss of plant efficiency due to aggregation is irrelevant to whether the sources are to be considered single emission sources.

Petitioner seeks a variance in order to aggregate both the four phosphoric acid production lines and four STTP kilns. Technology exists to aggregate the kilns within each building but not to aggregate buildings A and B, which are over 300 feet apart (Recommendation, Par.7). Petitioner has agreed to complete by August 3, 1979 the installation of Venturi scrubbers and of high efficiency hot cyclones with allied support equipment (Recommendation, Pars. 10 and 11). The Board finds that denial of the proposed variance would constitute an arbitrary and unreasonable hardship on petitioner considering the low level of environmental harm and Petitioner's good faith efforts in the past. Any such variance, however, is conditioned in its effect upon the Agency's submitting same to the U.S. Environmental Protection Agency as an amendment to the SIP See PPG Industries, Inc. v. EPA, PCB 78-210, (3/15/79). The Agency intends to so submit the variance (Recommendation, Par. 14).

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 Olin Corporation (Joliet) is hereby granted a variance from Rule 203(a) and (c) of Chapter 2: Air Pollution Control Regulations for a period of six months from the date of this Order, subject to the following conditions:

- 1) Petitioner is ordered to submit to the Agency within six months of the date of this Order a certification of compliance with Rule 203(a), with Section 111 of the Clean Air Act, and with Section 9.1 of the Environmental Protection Act.
- 2) Petitioner is hereby notified that its noncompliance with the provisions of this variance may subject it to civil penalties pursuant to Section 120 of the Clean Air Act.
- 3) Within 45 days of the adoption of this Order, the Olin Corporation (Joliet) shall execute and forward to the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 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 79-29, hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

SIGNED \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_

- 4) The Agency is authorized to submit this variance to the U.S. Environmental Protection Agency as an amendment to the SIP under Section 110(a)(3) of the 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 15<sup>th</sup> day of November, 1979 by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board