

ILLINOIS POLLUTION CONTROL BOARD
October 17, 1974

FERGUSON & LANGE FOUNDRIES, INC.)	
)	
v.)	PCB 74-181
)	
ENVIRONMENTAL PROTECTION AGENCY)	
)	

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

On May 17, 1974 Ferguson and Lange Foundries, Inc. filed the instant petition to further extend the variance in PCB 73-474 (decided January 31, 1974) and in PCB 74-82 (May 16, 1974) from April 30, 1974 to July 31, 1974. The plant is located in Chicago.

The Board entered an order on May 23, 1974 requiring that the record in PCB 73-473 be stipulated into the instant case. On July 8, 1974 the Petitioner so stipulated. On July 19, 1974 the Petitioner filed an amended petition asking that the expiration date for the variance be changed from July 31, 1974 to September 30, 1974 and furnished certain test data. No public hearing was held.

Recommendation was received from the Environmental Protection Agency on October 11, 1974 just six days in advance of todays decision due date and some 82 days after the filing of the amended petition. The Procedural Rules of the Board require the filing of a Recommendation within 30 days of the filing date of the petition.

The petitioner alleges the default of its turnkey contractor. Combustion **Equipment** Associates, Inc. It states that it has employed independent engineering consultants to revamp the particulate collection system. Ferguson and Lange also asserts in its May 17, 1974 petition that "it now appears appropriate that the system be tested by experts satisfactory to the State of Illinois."

The Agency disputes the tests carried out by Ferguson and Lange and terms them not "stack tests" but "material balance" computations. We agree with the Agency. A stack test is a sampling of particulate actually emitted from the outlet to the atmosphere and shows what is in fact emitted. A materials balance is not

the same as a stack test and we do not accept it as a substitute.

We note that nowhere did Ferguson and Lange have a stack test performed by "experts satisfactory to the State of Illinois" as they said they would. Rather, they performed the materials balance with their own personnel.


We deny the variance for failure to provide satisfactory stack test data. The order of the Board in PCB 74-82 (May 16, 1974) clearly requires a stack test and prior notice to the Agency and this was not done.

ORDER

Variance from Rules 3-3.111 and 203(a) from April 30, 1974 until September 30, 1974 is denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certifies the above Opinion and Order was adopted on the 17th day of October, 1974 by a vote of 5-0.



Christan L. Moffett, Clerk