

ILLINOIS POLLUTION CONTROL BOARD  
July 19, 1973

OWENS-ILLINOIS, INC. )  
 )  
 ) #73-263  
 v. )  
 )  
 ENVIRONMENTAL PROTECTION AGENCY )

OPINION AND ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

The above-captioned action is an appeal from a permit denial pursuant to which petitioner had originally filed an emergency motion seeking permission to make connections between its "D" furnace and its "B" furnace precipitator and the right to operate said furnaces at their normal capacity.

We construed the emergency motion as a variance petition, gave petitioner leave to amend and directed that the Agency recommendation with respect thereto be filed by July 19, 1973. Petitioner filed a petition for interim variance reiterating its request to connect the "D" furnace to the "B" furnace precipitator pending resolution of the basic permit appeal proceeding. Petitioner states that the present variance request is sought to enable petitioner's to test emissions from its furnace prior to hearing and decision on the permit appeal for the following reasons:

1. The use of electrostatic precipitator on glass furnaces is a novel, technological breakthrough; in fact, the Chicago Heights precipitator is the only one of its kind in operation in the United States; and
2. The efficiency of the precipitator with higher volumes of air can be calculated, but actual emission testing would provide the best basis for determining the actual emission rates.

The interim tie-in program proposed by petitioner would increase process weight rate on the "D" furnace and change the method of operation of the "B" furnace and increase the emission of air contaminants in the "B" furnace. These changes would, in turn, characterize the "D" and "B" furnaces as "new emission sources" requiring compliance with Rule 203(a). Petitioner estimates that its combined emissions from "B" and "D" furnaces would be 5.7 pounds per hour and states that even if Rule 203 applied to the "B" furnace

which petitioner is contesting in its permit appeal, the combined emissions from "B" and "D" furnaces would be able to meet Rule 203(a). It seeks to make the necessary tie-ins and conduct the necessary tests to determine what the actual emissions are.

Petitioner further alleges that denial of the present variance to connect the "B" and "D" furnaces, will unduly suspend the tie-in between the two furnaces, preventing petitioner from taking advantage of the increased process weight rate of the "D" furnace, and prevent taking advantage of the scheduled down time on both furnaces.

The present variance request is solely for the purpose of tie in of the "D" furnace to the "B" furnace precipitator and to conduct tests to determine actual emissions.

The Agency recommends that the variance be granted, subject to the conditions as follows:

1. That the variance be specifically limited to the tie-in of "B" furnace to "D" furnace electrostatic precipitator and the subsequent emission test;
2. That the stack tests shall be performed in accordance with ASME Power Test Code 27-1957 as revised, on the electrostatic precipitator on the two furnaces after modification by an approved independent testing service, after five days notice to the Agency and the submission of the results to the Agency as soon as available.

We grant the variance as requested, subject to the conditions specified in the Agency recommendation.

This opinion constitutes the findings of fact and conclusions of law of the Board.

IT IS THE ORDER of the Pollution Control Board:

1. That petitioner, Owens-Illinois, Inc. is granted a variance from the provisions of Rule 203(a) of the Pollution Control Board Regulations, Chapter 2, Part II for the purpose of connecting its "D" furnace to its "B" furnace precipitator at its Chicago Heights plant and to operate both furnaces at normal capacity, subject to the following terms and conditions:
  - (a) This variance is specifically limited to the tie-in of "D" furnace to "B" furnace's electrostatic precipitator and the subsequent emission test;

- (b) Petitioner shall perform a stack test in accordance with ASME Power Test Code 27-1957 as revised, on the electrostatic precipitator on "B" and "D" furnaces after the proposed modification by an approved independent testing service. Petitioner shall give five (5) days notice to the Variance Section, Division of Air Pollution Control, Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706, prior to the test and allow Agency observation if desired. Petitioner shall submit the complete results of the test to the Agency as soon as they are available.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the above Opinion and Order was adopted on the 17<sup>th</sup> day of July, 1973, by a vote of 4 to 3.

Christan Moffett