

ILLINOIS POLLUTION CONTROL BOARD

January 24, 1972

U. S. INDUSTRIAL CHEMICALS COMPANY,)
DIVISION OF NATIONAL DISTILLERS AND)
CHEMICAL CORPORATION)
) #71-44
)
)
v.)
)
ENVIRONMENTAL PROTECTION AGENCY)

SUPPLEMENTAL OPINION AND ORDER OF THE BOARD (BY MR. LAWTON):

On October 14, 1971, the following order was entered pursuant to petition for variance filed by U. S. Industrial Chemicals Company:

"IT IS THE ORDER of the Pollution Control Board that petitioner be granted a variance to exceed the particulate emission limitations set forth in the Rules and Regulations Governing the Control of Air Pollution, subject to the terms, conditions and time schedules hereinafter set forth:

1. Variance is granted to petitioner to operate its four uncontrolled coal-fired boilers in a manner causing emission of particulates in excess of the regulation limits pending the installation of five electrostatic precipitators, the first of which has already been installed. Two additional precipitators shall be installed and in operation by May 30, 1972. Emissions from all boilers on which precipitators have or will be installed shall meet particulate emission limits as set forth in the regulations. This variance shall extend to October 13, 1972, prior to which date petitioner shall have initiated installation of the two remaining electrostatic precipitators on Boilers #4 and #5 for operation by May 30, 1973, and shall petition this Board 90 days in advance of expiration for an extension of this variance demonstrating that it has diligently pursued the time schedule for total installation as set forth in its variance petition.
2. Variance is granted to March 30, 1972 to operate the sulphuric acid plant in a manner causing particulate emissions in excess of those allowed in the Rules and Regulations Governing the Control of Air Pollution pending operation of the direct hydration alcohol plant. On March 30, 1972, the sulphuric acid plant shall be

shut down. No virgin acid shall be manufactured for sale at any time when emissions from the sulphuric acid plant exceed maximum emission limits presently in force and effect in the Rules and Regulations Governing the Control of Air Pollution.

3. U. S. Industrial Chemicals Company, through an independent recognized consultant, shall establish, operate and maintain continuous monitoring stations for SO₂ for the period from April 1, 1972 to September 1, 1972² in the area where crop damage has occurred in the past. Within 30 days after September 1, 1972, the company shall file with the Board and Agency a program for the alleviation of excess SO₂ levels sufficient to cause plant damage. The Board shall issue a further order as required.
4. The Company shall, within thirty-five days after receipt of this order, post with the Agency a bond or other security in the amount of \$500,000.00, in a form satisfactory to the Agency, which sum shall be forfeited to the State of Illinois in the event that the conditions of this order are not complied with or the facilities in question are operated after expiration of these variances in violation of regulation limits."

On December 27, 1971, pursuant to motion of petitioner for Stay of Order pending review of the October 14, 1971 order, asserting that petitioner and the Environmental Protection Agency had been unable to agree on the form of bond, we entered the following order:

"We stay our Order of October 14, 1971 as to the bond, to January 17, 1972, and direct the petitioner and the Agency, respectively, prior to said date, to submit to the Board the form of bond proposed by each party. After receipt of the proposed bond forms, we shall issue a further Order directing the form of bond to be posted, and such further order as to stay as shall be appropriate in the circumstances. In all other respects, the motion for stay of our October 14, 1971 order is denied so that petitioner may proceed with its program of compliance as contemplated by our order."

The Agency complied with this Order. Nothing has been received in this respect from the petitioner.

On January 10, 1972, a motion to amend the order granting variance was received by the Board which motion asks that there be added to the sentence appearing in paragraph 1 of the order which reads "two additional precipitators shall be installed and in operation by May 30, 1972" the following words "or the two boilers on which these precipitators

are to be installed shall not be operated after May 30, 1972 so that emissions from these two boilers exceed maximum emission limits presently in force and effect in the Rules and Regulations Governing the Control of Air Pollution." In this respect, we grant the motion to amend the variance. Petitioner will be in compliance by May 30, 1972, pursuant to either program.

Petitioner further moves that paragraph 2 of the Order be modified by the deletion of the sentence, "On March 30, 1972, the sulphuric acid plant shall be shut down." This portion of the motion is denied.

Contained in the original petition for variance and throughout the hearing, petitioner has represented that the sulphuric acid plant would shut down by March 30, 1972. The opinion notes that crop damage resulting from sulphur dioxide and/or sulphuric acid emissions has taken place. This crop damage has conceivably resulted from emissions from the sulphuric acid plant independently of whether the emissions satisfy the particulate regulations. Accordingly, this presents a situation not uncommon where compliance with numerical particulate emission limits is not sufficient to preclude air pollution and consequential damage to property.

We noted in the opinion that "fly ash and particulate emissions attributable to the boiler and sulphuric acid operations have significantly interfered with the enjoyment of life and property in the community. Damage to metals and crops unquestionably have resulted from emissions from petitioner's plant."

We further provided for a monitoring program for SO₂ in the area where crop damage has occurred in the past, requiring a reporting program which contemplated such further order of the Board as the circumstances would require.

Our variation allowance with respect to the sulphuric acid plant was premised on its shutdown by March 30, 1972. If petitioner wishes to continue its operation, it should file a new petition for variance with the Board, which petition and subsequent hearing should demonstrate to the Board's satisfaction that the sulphuric acid plant operation will not only meet particulate limit regulations, but will also not cause emissions which result in damage to crops and air pollution as defined in the Act.

IT IS THE ORDER of the Pollution Control Board:

1. That petitioner's motion for amendment of paragraph 1 of the order entered on October 14, 1971 be granted by the addition of the words "or the two boilers on which these precipitators are to be installed shall not be operated after May 30, 1972 so that emissions from these two boilers exceed maximum emission limits presently in force and effect in the Rules and Regulations Governing The Control of Air Pollution", following the words "two

additional precipitators shall be installed and in operation by May 30, 1972" presently in said order. In all other respects, the motion is denied.

2. Variation heretofore granted as amended shall not be effective until bond in the amount of \$500,000.00 has been approved by the Board. Petitioner is directed to comply with the Board's Order of December 27, 1971 in this respect.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the above Supplemental Opinion and Order of the Board was adopted on the 27 day of January, 1972, by a vote of to .

Christan Moffett