

ILLINOIS POLLUTION CONTROL BOARD
December 20, 1973

MONSANTO COMPANY)
)
)
 v.)
) PCB 73-413
)
 ENVIRONMENTAL PROTECTION AGENCY)
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)

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

A petition for variance from Rule 206(g)(2) (Compliance dates) of the Air Regulations was filed by Monsanto on October 1, 1973. The plant is located in Sauget in St. Clair County. No public hearing was held. Variance is requested until April 30, 1974.

The company in its petition states that the manufacture of 4-nitrodiphenylamine (4-NDPA) for use as a raw material in rubber chemical formulation generates carbon monoxide in excess of Rule 206(c). This Rule sets a standard of 200 ppm CO corrected to 50% excess air and applies to "Petroleum and Petrochemical Process."

Monsanto does not give strength of the carbon monoxide discharge, the amount of discharge by weight, the stack height, the proximity of residences or other non-industrial human activity, or the ambient level of carbon monoxide induced by this emission. In short the petitioner makes no statement upon which the Board can weigh environmental effects all of which is required by the Procedural Rules (See Rule 401(a)).

The Agency filed its recommendation on October 29, 1973 and recommends the variance be granted. It states that the maximum concentration of the carbon monoxide emissions is 600,000 ppm but gives no additional information as to effects upon the public.

Permits for control equipment were obtained in July 1973 according to the Agency. The carbon monoxide will be burned in a waste-gas boiler and this "will aid in the conservation of fuel" states the Agency.

On November 5, 1973 Monsanto presented a Motion to Allow Variance Without a Hearing in order to save the "expenses for reporting and attorneys' fees...". The Board on November 8, 1973 cancelled the hearing.

Monsanto probably felt its record was adequate. For reasons given below we find that it was not. We do not consider the cancellation of a hearing as itself a commitment to grant the variance. The petitioner, when asking not to have a hearing, must still carry his burden in the record before us. While we did attempt to secure a waiver of the due date, counsel for Monsanto could not be reached and the case must be decided today.

Because Monsanto has not met its burden of detailing environmental effects we are compelled to deny the variance without prejudice. A maximum discharge of 600,000 ppm is equivalent to 60% carbon monoxide content. This is a highly toxic discharge level. Yet we do not know the levels which are being induced by this discharge upon nearby residents. The amount of the discharge in pounds must be high in order to power a waste-gas boiler. The concentration of the discharge is 3000 times (300,000%) the standard when at its maximum strength. Monsanto's statement in its petition that the 4-NDPA carbon monoxide emissions have not resulted in any injury or hazard of any kind is conclusory.

Because of a failure to detail the environmental effects we deny the variance without prejudice. Petitioner is referred to Koppers v. EPA, PCB 73-365, December 6, 1973 for an outline of environmental monitoring of carbon monoxide in the vicinity of a discharge in excess of standards.

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

ORDER

The variance is denied without prejudice.

IT IS SO ORDERED.

Mr. Marder dissents.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 20th day of December, 1973 by a vote of 4-1.



Christan L. Moffett, Clerk
Illinois Pollution Control Board