

ILLINOIS POLLUTION CONTROL BOARD
January 23, 1975

MISSOURI PORTLAND CEMENT COMPANY,)
)
 Petitioner,)
)
 vs.) PCB 74-407
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

On January 9, 1975 the Board granted Petitioner an Interim Extension of Variance to and including January 31, 1975 so that Petitioner could continue operations pending receipt of the Agency Recommendation and Board consideration of the merits of a requested three month variance extension.

Variance from Rules 203(b) and 203(d)(3) of the Air Pollution Control Regulations was originally granted Missouri Portland on June 6, 1974 in PCB 73-480. This variance was granted for the purpose of allowing Petitioner sufficient time to complete installation and testing of an electrostatic precipitator on kiln #1 at Petitioner's Joppa, Illinois cement manufacturing plant.

Missouri Portland now seeks a three month extension of variance in order to complete the electrostatic precipitator project. Bruce Kester, Petitioner's Vice President-Environmental Systems, submitted an affidavit showing that installation of the electrostatic precipitator has been delayed beyond the direction and control of Missouri Portland by the following events:

- a) The precipitator parts were not delivered until late July, 1974. To accelerate completion, Missouri Portland Cement Company caused assembly to begin at ground level in August of 1974, because certain essential structural steel was not delivered on schedule.
- b) The structural steel was not received until August, 1974. Erection of the structure began immediately and is still in progress.
- c) The necessary duct work components could not be delivered before late December, 1974 and installation, therefore, could not be started before January of 1975.

d) The fan and drive component for the precipitator cannot be delivered before February. This installation will, therefore, be delayed until March of 1975 with completion scheduled for April, 1975.

e) The dust screws for the precipitator could not be delivered until January, 1975, and installation cannot be completed before April 1, 1975.

f) The electrical equipment and supplies could not be delivered until late October or November, 1974 and installation cannot be completed before March, 1975.

Petitioner has kept the Agency advised of progress and delays throughout the term of the original variance. Kester states that Petitioner has taken all steps possible to accelerate installation compatible with the late delivery schedules. If no further delays are experienced, Petitioner will shut down kiln #1 on March 1, 1975 and complete installation of the electrostatic precipitator before restarting kiln #1.

During proceedings on the original variance, a number of Petitioner's neighbors complained strongly about emissions from the plant. Agency interviews relative to the instant case indicate that conditions have not changed as far as these citizens are concerned. However, the Agency believes that the impact upon these citizens because of Petitioner's emissions will be reduced once the electrostatic precipitator is in operation.

Although the Agency recognizes that delay in completion of the project is beyond the control of Petitioner, they believe that the time requested by Petitioner is excessive. It is the Agency's opinion that Missouri Portland should not be given any time beyond the March 1, 1975 shutdown date particularly in light of the citizen's complaints.

If Petitioner is actually planning to shut the kiln down on March 1, 1975 in order to complete the tie-in with the electrostatic precipitator systems, there would be no reason to grant the variance for an additional month. Petitioner has not indicated that it plans to operate this kiln on an intermittent basis while the tie-in is taking place and we seriously doubt whether operations could continue during March even on an interim basis.

The Agency recommends denial of variance or in the alternative that variance be granted only until March 1, 1975 subject to certain conditions.

The record clearly shows that Petitioner is going to shut the kiln down on March 1, 1975 and the Board is not inclined to allow the variance to extend beyond that date. Compliance with the Regulation after March 1, 1975 will not cause an arbitrary and unreasonable hardship. Variance will be granted to and including March 1, 1975 on which date Missouri Portland will be required to cease uncontrolled operations of its kiln #1.

This Opinion constitutes the findings of fact and conclusions of law of the Illinois Pollution Control Board with regard to the application for a three month extension of variance.

ORDER

It is the Order of the Pollution Control Board that Missouri Portland Cement Company be granted variance from Rules 203(b) and 203(d)(3) of the Air Pollution Control Regulations to and including March 1, 1975. This variance is subject to the following conditions:

- 1) Conditions 1 through 5 of our Order in PCB 73-480 shall remain in effect through the term of this extended variance.
- 2) Within 15 days of this Order, Petitioner shall submit its time table for completion of the electrostatic precipitator and stack test to the Environmental Protection Agency.
- 3) Petitioner shall not operate kiln #1 in an uncontrolled manner after the expiration date of this variance except as may be authorized by the Environmental Protection Agency pursuant to Rule 105 of the Air Pollution Control Regulations.
- 4) Petitioner shall use a continuous monitor attached to the electrostatic precipitator as imposed by Part 1 of the Board Order in PCB 73-480 throughout the term of this extended variance. The new electrostatic precipitator shall use said monitor in the same fashion as described in Exhibit B of the Board Order in PCB 73-480.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 23RD day of January, 1975 by a vote of 3 to 0.

