

ILLINOIS POLLUTION CONTROL BOARD
March 22, 1973

INCINERATOR, INCORPORATED)	
)	
)	
v.)	PCB 73-23
)	formerly 71-324 &
)	72-416
ENVIRONMENTAL PROTECTION AGENCY)	
)	

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

This is a petition for an extension of a prior variance. Petitioner was previously granted a variance by the Board in November, 1971. In November, 1972 the Board extended that variance until January 31, 1973 on the following conditions:

- A. All applicable conditions of the prior order shall be met;
- B. A detailed progress report specifying every operation which has not been completed and the estimated time of completion for each operation shall be submitted to the Agency by December 14, 1972;
- C. A stack test shall be performed on or about December 15, 1972, or as soon thereafter as weather conditions permit. The Agency shall be notified five days in advance of the scheduled date of the stack test so that Agency personnel may, if desired, monitor the testing procedures. Stack test results shall be submitted to the Agency by January 31, 1973;
- D. Petitioner shall, within five days after receipt of this Order, inspect the mesh screen and, if necessary, replace it immediately.

This current petition for extension was filed on January 23, 1973. We did not order a hearing. The petitioner claims to have complied with the provisions and conditions of the November, 1972 extension in all respects except that the unit was not ready for testing by January 31, 1973. As of December 15, 1972, the high energy Venturi scrubber unit was completely assembled and on the job but because of a Commonwealth Edison delay the wiring on that unit was

not completed until January 12, 1973. The new unit was expected to be operational by January 31, 1973 at which time the old unit would be shut down.

Due to weather conditions, the stack testing will not be able to be performed until April. Therefore petitioner is requesting an extension of the variance until April 30, 1973.

The Agency recommends that the extension be granted subject to certain conditions to which we generally agree. One significant point raised by the Agency is that a \$300,000 bond was required as a condition to the original variance (71-324). According to the Agency that bond has never been posted. We wonder why the Agency has taken eighteen months to realize that the bond was never filed as ordered. We are also quite critical of the petitioner for never posting the bond in the first place. We will reluctantly grant the extension until April 30, 1973 but only on the strict condition that the petitioner now post two bonds -- one bond will be in the amount of \$50,000 to guarantee performance of the stack testing and any other work that has to be performed, and the other bond will be for \$10,000 to guarantee compliance with the Act and Regulations as a result of the new installation.

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

ORDER

The Petition for Variance is granted until April 30, 1973 or until a stack test is performed, whichever is sooner, subject to the following conditions:

- a) That all applicable conditions of the Board's order in PCB 71-324 and PCB 72-416 be continued in full force and effect.
- b) That a stack test shall be performed as soon as practicable. The Agency Surveillance Section, Naval Armory, East Randolph at the Lake, Chicago, Illinois shall be notified five days in advance of the scheduled date of the stack test so that Agency personnel may, if desired, monitor the testing procedures. Stack test results shall be submitted to the Agency within 30 days from the date of testing.
- c) That the two bonds mentioned above in a form acceptable to the Agency shall be posted with the Agency within 10 days of the Board order.

The Bond shall be sent to: Environmental Protection Agency
 Fiscal Services Section
 2200 Churchill Road
 Springfield, Illinois 62706

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 22nd day of March, 1973 by a vote of 4-0.

Christan L. Moffett

Christan L. Moffett, Clerk
Illinois Pollution Control Board

