

ILLINOIS POLLUTION CONTROL BOARD  
February 22, 1972

CHICAGO VITREOUS CORP. )  
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 v. ) # 71-372  
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 ENVIRONMENTAL PROTECTION AGENCY )

Opinion of the Board (by Mr. Currie):

On November 11, 1971, we granted a variance approving the air pollution control program of Chicago Vitreous Corp., which envisioned control of enamel smelters by December 15 of that year (#71-241). On November 30, however, the company asked for an extension of three months until March 15, 1972 because of "an error in judgment on my part in forecasting the completion of the project, as well as a delay in the delivery and installation of the control system." Completion of the project according to the revised schedule was expected February 7, with a grace period to account for any further small delay. Site preparations have been and are being done. A letter from the supplier states that delays resulted from "the complexity of the circuit configuration and the revisions to the system" (letter of Nov. 22, 1971, from Mr. DePew of Honeywell Inc. to Chicago Vitreous attached to the petition for extension of the variance).

The Agency recommends that the extension be granted on certain conditions. We agree. While we would not tolerate a series of small delays that resulted in a substantial lengthening of the promised time for compliance, we understand that short delays may occur through no fault of the company and that no penalties should in such a case be imposed. The expected date for compliance has passed, but to avoid the possibility that further problems might necessitate still another extension we will extend the date as requested until March 15, which allows a small cushion. We do not expect to receive any further requests for extension.

As for conditions, the Agency asks that we require compliance with the original order, which we shall do except for the altered dates. EPA asks also that we limit production to three smelters at any one time during the variance, but because the Agency recommendation was made quite close to the expiration of the 90-day period in which we must decide the case, we have no time to ascertain the effect of such a provision on the company, and it would not be fair to impose it without opportunity to respond. Late Agency

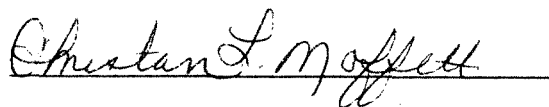
recommendations make it impossible for the Board to compile an adequate record. We agree with the Agency that improved monitoring must be instituted at once to prevent incidents such as the Agency says occurred on December 7, when neighborhood complaints resulted. As for the request that we require a bond, as in the original case we think the time of the variance too short to justify such a requirement; the program will be over before the bond could be filed.

ORDER

The variance granted to Chicago Vitreous Corp. November 11, 1971 (#71-241) is hereby extended to March 15, 1972, on the following conditions:

1. All conditions of the original order shall be complied with, except that the stack test results required by that order shall be submitted no later than April 1, 1972; and
2. The company shall upon receipt of this order immediately improve its procedures for monitoring the effects of its emissions so as to prevent the occurrence of nuisance conditions as required by the original order.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion this 22 nd day of February, 1972 by a vote of 5-0.

  
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