

ILLINOIS POLLUTION CONTROL BOARD
September 30, 1971

WESTCLOX DIVISION, GENERAL TIME)
CORP.)

v.)

71-145

ENVIRONMENTAL PROTECTION AGENCY)

Thomas D. Burlage and Samuel W. Witwer, Jr., for Westclox Division,
General Time Corp.

John McCreery, for the Environmental Protection Agency

Opinion of the Board (by Mr. Currie):

Westclox makes timepieces and time fuses at Peru, Illinois. Its Air Contaminant Emission Reduction Program (Acerp), approved in 1969, provided for replacement of coal-fired with gas-fired boilers by September, 1971. As in A. E. Staley Mfg. Co. v. EPA, # 71-174, decided today, a gas shortage intervened. Through no fault of its own the company lost its expected gas supply. When the loss was discovered, Westclox embarked upon a new program contemplating the purchase of electricity from an outside source and the installation of new gas-oil boilers to handle the smaller process and heating requirements. These arrangements will be completed by January 1, 1972. These facts, alleged in the petition, have been stipulated to by the Agency (R. 20). See also R. 29-31, 33, 36. As in the Staley case, we find the request for this limited extension entirely reasonable and, as the Agency recommends, we grant the extension on appropriate conditions.

A supplementary petition requests until September 27, 1971 and until January 1, 1972 to eliminate by incineration all remaining discharges of cyanide and of metals, respectively, to the Illinois and Michigan Canal just above its confluence with the Illinois River (R. 40-45). The Agency suggests that Westclox should have taken this action earlier in view of the zero-cyanide discharge requirement of regulation SWB-5. Perhaps it should have; but the company in 1969 was informed that it was required to meet the more lenient restrictions of other regulations (R. 37), and we think in light of reliance on this official communication no penalty is in order. With respect to the filing of reports, required by SWB-6 (R. 69), we think also that no penalty is necessary on the present proof in this variance proceeding. The present correction schedule is rapid; delays have been beyond the company's control; the pollution in the meantime is not so serious as to call for the extreme remedy of a shutdown (R. 38). The extension as to metals will be granted on appropriate conditions; there is no need for an extension regarding cyanide since the projected compliance date has passed and the issue is moot.

We appreciate the parties' having stipulated to the facts, as their doing so has saved us and themselves a great deal of time and money.

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

ORDER

1. Westclox is hereby granted a variance to permit particulate emissions from its boilers in excess of regulation limits until January 1, 1972, during completion of the control program described in the Board's opinion.
2. Westclox is hereby granted a variance to permit discharges of metals at the levels specified in the record until January 1, 1972, during completion of the control program described in the Board's opinion.
3. Discharges shall not be increased either in volume or in concentration above those for comparable periods in 1970 during the period of this variance.
4. Within 35 days after receipt of this order, the company shall post with the Agency a bond or other adequate security in the amount of \$20,000 to assure compliance with this order.
5. A report of compliance shall be filed with the Agency and the Board by January 15, 1972.
6. Failure to adhere to the compliance program or to the conditions of this order will be grounds for revocation of these variances.

I, Regina E. Ryan, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order of the Board this 30 day of September, 1971.


