

ILLINOIS POLLUTION CONTROL BOARD
March 11, 1992

IN THE MATTER OF:)
)
ELIZABETH STREET FOUNDRY, INC.) AS 91-5
PETITION FOR ADJUSTED STANDARD) (Adjusted Standard)
35 Ill. Adm. Code 212.321)

ORDER OF THE BOARD (by J. Anderson):

On January 21, 1992, the Illinois Environmental Protection Agency's (Agency) filed a motion to dismiss, a motion to file instanter, and an affidavit. On February 3, 1992, Elizabeth Street Foundry, Inc. (ESF) filed its motion to strike the Agency's motion to dismiss. The Board hereby grants the Agency's motion to file instanter.

In its motion to dismiss, the Agency requests the Board to dismiss this adjusted standard proceeding for the reason that the petition cannot be granted consistent with applicable federal law. The source, the Agency argues, is located in a non-attainment area for the pollutant in question (particulate matter). Section 193 of the Clean Air Act Amendments (42 USC 7515), applicable to non-attainment areas, prohibits modification of any control requirement in effect before November 15, 1990 "unless the modification insures equivalent or greater emission reductions of such air pollutant." The Agency argues that the adjusted standard proposed by the petitioner would not meet that standard. The petitioner's reply refers to previous filings which demonstrate that the petitioner's adjusted standard would reduce emissions. The Agency argues that its calculation shows that this would not be true.

We find, based upon the arguments and facts set forth in the Agency's motion to dismiss, that a question of fact exists as to whether ESF's proposed adjusted standard would ensure equivalent or greater emission reductions of particulate matter as required by Section 193 of the Clean Air Act. Accordingly, the Board authorizes this matter for hearing to provide ESF with the opportunity to specifically address the Agency's data and allegations.

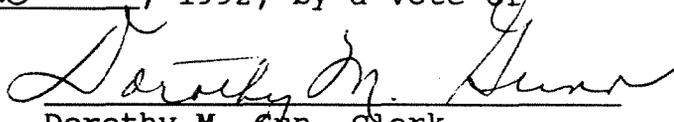
At hearing we particularly request that the following be addressed:

The applicable standard for ESF's emissions is 35 Ill. Adm. Code 212.321. ESF's petition for Adjusted Standard claims that under Section 212.321, the allowable particulate emissions are 1332 lbs. of particulate during a two week period of operation. The Agency, however, has asserted that the ESF's allowable emissions are arrived at incorrectly by not accounting for ESF's actual operation which is stated to be once every other day. Specifically, the Agency argues that using the actual hours of

operation and a 6 hour day ($6 \times 14/2 = 42$ hours) results in an allowable emissions under Section 212.321 of 155.4 pounds of particulate. ESF's actual emissions during a similar 2-week period is estimated to be 294.4 pounds. Thus, this is the basis for the Agency's argument that ESF's proposed Adjusted Standard emission rate is quantitatively higher than that allowed under Section 212.321 and not lower as stated in ESF's petition.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 11th day of March, 1992, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board