

ILLINOIS POLLUTION CONTROL BOARD
December 6, 1989

MODERN FOUNDRY,)
)
 Petitioner,)
)
 v.) PCB 89-194
) (Provisional Variance)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by J. Marlin):

This matter comes before the Board on the December 4, 1989 recommendation filed by the Illinois Environmental Protection Agency (Agency). The Agency recommends that the Board grant Modern Foundry a provisional variance from October 20 to October 30, 1989 from 35 Ill. Adm. Code 201.149, 212.123, and 212.456 and from conditions or restrictions on Operating Permit no. 72111179, to extent such a variance would allow Modern Foundry to operate without ccontrols. The Agency maintains that Modern Foundry would suffer arbitrary and unreasonable hardship if denied this relief. The Agency does not recommend that the Board grant a variance from Sections 9(a) and 9(b) of the Environmental Protection Act, Ill. Rev. Stat. ch. 111½, par. 1009(a) and 1009(b), (Act) and 35 Ill. Adm. Code 201.141, asserting that such a relief is unnecessary.

Modern Foundry operates a small grey iron foundry at Mascoutah, in St. Clair County. On October 19, 1989 the fan on the cupola exhaust gas scrubber failed, so exhaust gasses could not be drawn through the venturi scrubber to control emissions. Modern Foundry notified the Agency of the failure on October 20 and submitted an application for a provisional variance on October 30. Modern Foundry operated the cupola without controls for three hours a day for seven days during the breakdown. Modern Foundry replaced the fan on October 30, and its scrubber returned to operation.

The Agency recommends that the Board grant the provisional variance with two conditions. The second condition is that Modern Foundry execute a certificate of acceptance. Although the Board does not normally require such certification for provisional variances, the Board includes this condition because the Agency has requested it. The Board has split a part of the second Agency-recommended condition into a third condition in its Order. Further, the Board does not grant variances from permits, so it will not do so in this matter. The Board directs the

Agency to 35 Ill. Adm. Code 309.194 for permit modification consistent with the Order.

ORDER

The Board hereby grants Modern Foundry a provisional variance from 35 Ill. Adm. Code 201.149, 212.123, and 212.456 and from the relevant conditions of Operating Permit No. 72111179 from October 20, 1989 to October 30, 1989, subject to the following conditions:

1. Modern Foundry shall not operate its cupola on Saturdays or Sundays during the term of the variance; and
2. Modern Foundry shall, within ten days of the date of this Order, execute and forward to

James J. O'Donnell
 Enforcement Programs
 Illinois Environmental Protection Agency
 2200 Churchill Road
 Post Office Box 12976
 Springfield, IL 62794-9276

a certificate of acceptance in the following form:

CERTIFICATION

I, (We), _____ hereby accept and agree to be bound by all terms and conditions of the Order of the Pollution Control Board in PCB 89-194, December 6, 1989.

Petitioner

Authorized Agent

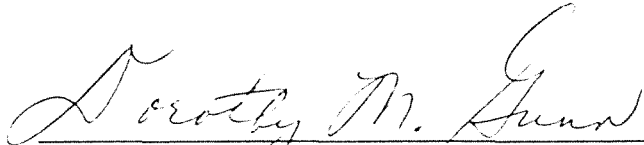
Title

Date

3. This provisional variance shall not become effective until after Modern Foundry has executed and forwarded the certificate of acceptance as required above.

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 6th day of December, 1989, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board