

ILLINOIS POLLUTION CONTROL BOARD  
May 9, 1991

OLIN CORPORATION (Joliet Plant),

Petitioner,	)	
	)	
v.	)	PCB 89-72
	)	(Variance)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by B. Forcade):

This matter comes before the Board on a motion filed on March 14, 1991 by Olin Corporation, Joliet Plant ("Olin"), requesting that the Board modify certain internal deadlines in the variance granted to Olin by Board Order of February 7, 1991. That variance is from the Board's air regulations governing the emission of particulate matter, found at 35 Ill. Adm. Code 212.321, and applies to the A and B building scrubbers at the Joliet facility. The variance will expire on March 1, 1992, and was issued by the Board subject to various conditions, including the installation of new emissions control equipment and monitoring, testing and reporting requirements. Olin's request for modification involves the A Building scrubbers which are temporarily not in use, and, therefore, variance conditions relating to A Building scrubbers will not be met.

Olin claims that, since December 1990, one of Olin's major phosphate customers unexpectedly and significantly reduced its production order for 1991 and other customer orders are also lower than expected for 1991. Motion at p. 4 and Exhibit A, p. 2. As a result of the decreased demand for its product, Olin has temporarily discontinued operations at its A building since "production capacity at Buildings B and C currently meets and will for the foreseeable future meet the market demands for Olin's STPP [sodium tripoly phosphate] products". Exhibit A, pp. 2-3. Olin's contention is that, without the ongoing operations at Building A, compliance work at either the A-North or A-South stacks in accordance with the conditions as specified in the Board's February 7, 1991 variance order cannot be met. Olin asserts that the A-North scrubber had already achieved marginal compliance but final modifications, testing and evaluation would be delayed. The A-South scrubber was to be modified by January 1, 1992 and tested by March 1, 1992, and these activities might also be delayed.

Olin has suggested some modifications of the variance to allow compliance-related work on the A building to be carried out on a schedule that is tied to the start of operations at A-North and A-South stacks. The exact date for resumption of operations

at the A Building is not known. However, Olin does not request that the period of the variance end other than on March 1, 1992 as specified in the February 7, 1991 Board Order. Thus, final compliance would still be required by the same March 1, 1992 deadline.

#### Progress Under Current Variance

Olin represents that substantial progress has been made at Building B pursuant to the conditions of the variance granted on February 7, 1991. "For the B-South scrubber, Olin installed the new scrubber and completed other modifications by early December, 1990, three weeks ahead of schedule." Motion at p. 3. Olin has initiated emissions testing at the B-South scrubber and has reported significant reductions in emissions to the Agency. Motion at pp. 3-4; Progress report at Exhibit C, pp. 1-2. For the B-North scrubber, Olin completed all modifications on January 21, 1991. Olin reported that emissions were higher than expected and more modifications were made. Additional testing is to be performed. Motion at p. 4; Exhibit C at p. 1.

Olin notes, too, that since economic conditions forced the shutdown of Building A, no particulate matter is now emitted from the A-North and A-South scrubbers. Motion at pp. 5-6.

Olin states that it has taken numerous cost cutting measures due to reduced demand, including closing certain administrative buildings, consolidating personnel, and operating only one of the plant's three coal-fired boilers. The adverse economic situation prevents compliance with the current variance with respect to the A-North and A-South scrubbers since stack testing can only be undertaken during production activity. Motion at pp. 4-5. Olin does not state whether its financial condition prevents making expenditures to modify the non-complying A-South scrubber, but the total shut down of that scrubber to some extent obviates the present need for emissions control at that source.

#### Requested Modification of Variance

Olin has requested the Board to add a new paragraph 12 and to make certain changes in paragraphs 2, 3, and 5 of the Board's Order of February 7, 1991. Certain other minor changes are added here to paragraphs 4, 7, and 11 on the Board's own initiative, and these are intended to add clarity to the revised sections. The modifications are shown below by overstriking and underlining new language.

2. Olin shall complete all testing and minor modifications on the A-North scrubber as follows:
  - A) Not later than ~~February 28, 1991~~ four weeks after resuming operation of the A-North kiln, Olin shall complete all engineering matrix tests and the evaluation of any modifications, if necessary. In

addition, Olin shall notify the Agency in the first monthly report subsequent to Olin's resuming operations at A-North. Olin shall inform the Agency of the date when operations resumed and of all activities completed or planned to achieve compliance using the A-North scrubber.

- B) Not later than five months after resuming operation of the A-North kiln, but in no event later than March 1, 1992, Olin shall complete its evaluation of the impact of engineering modifications at A-North.

Note: The Board added the March 1, 1992 deadline to Olin's suggested language in paragraph 2(B). Olin had suggested in its request that paragraph 2(B) should be added as paragraph 5(A). The Board finds that placement here in paragraph 2(B) would be more appropriate. Similarly, the deadlines for evaluation of engineering modifications at the B-North and B-South scrubbers will also be moved from paragraph 5(A) since paragraph 5(A) is already being modified at Olin's request.

3. Olin shall complete modifications ~~similar to the A-North scrubber modifications~~ at the B-North scrubber, as follows:

- A) Not later than April 1, 1991, Olin shall complete modifications to the B-North scrubber, ~~based on the results of matrix testing at A-North unit,~~ and perform engineering matrix tests for all products.
- B) Not later than July 31, 1991, Olin shall complete the evaluation of the impact of any engineering modifications, if necessary, and all tests, evaluations and further engineering modifications.

4.

\* \* \*

- B) Not later than June 30, 1991, Olin shall complete matrix tests, evaluation of the performance of the additional scrubber and optimize unit performance.
- C) Not later than September 30, 1991, Olin shall evaluate any further engineering modifications, if necessary.

Note: The September 30 date was inadvertently omitted from the Board's earlier order.

5. Olin shall complete modifications to the A-South scrubber, as follows:

- A) Not later than July 1, 1991, Olin shall complete its evaluation of the impact of engineering modifications at A-North and B-North, as well as the performance of the additional scrubber at B-South.
- AB) If operation at the A-South kiln will be resumed on or before January 1, 1992, then nNot later than January 1, 1992, Olin shall complete engineering modifications to the A-South scrubber, based on the evaluations made pursuant to paragraphs 2(B), if completed, 3(B) and 4(B) E(1) herein. In addition, Olin shall also notify the Agency in the first monthly report subsequent to Olin's resuming operations at A-South. Olin shall inform the Agency of the date when operations resumed and of all activities completed or planned to achieve compliance using the A-South scrubber.
- BE) In any event, nNot later than March 1, 1992 Olin shall complete matrix tests and optimize unit performance and complete any further engineering modifications, if necessary.

Note: The substance of paragraph 5(A) of the original variance has been reorganized and placed in paragraphs 2(B), 3(B) and 4(B), rather than modified and placed in paragraphs 5(A) and 5(B) as suggested by Olin. Paragraph 5(B) has been modified and now is shown as paragraph 5(A). Olin's suggested paragraphs 5(C) and (D) are addressed in the modified paragraphs 5(A) and (B) above. However, Olin's suggested paragraphs 5(C) and (D) only seemed to focus on what happens if A-South kiln operation is resumed before January 1, 1992 without providing the necessary compliance plan if operation begins after January 1, 1992. Therefore, the Board's new paragraph 5(C) states that in any event testing, optimization, and further modifications must meet the March 1, 1992 deadline. The Board also notes that Olin correctly identified a typographical error in the Board's earlier Order when the Board referred in paragraph 5(B) to paragraph E(1) when the Board intended to refer to paragraph 5(A). The reference will now be to paragraphs 2(B), 3(B), and 4(B).

7. Olin shall evaluate its progress and submit a report by October 1, 1991 indicating whether compliance is anticipated by the end of the variance period. ~~if compliance is not anticipated, the report shall include a proposal for an alternative method to achieve compliance with a time schedule for its implementation so that compliance is achieved by March 1, 1992.~~

Note: Since the requested modification is itself a proposal to achieve compliance in a form not consistent with the variance previously granted, no further changes are anticipated. Any

further modification must again be submitted to the Board.

\* \* \*

11. ~~That w~~Within forty-five days of the grant of the variance, Petitioner shall execute and forward to Renee A. Stadel, Division of Legal Counsel, Illinois Environmental Protection Agency, P.O. Box 19276, Springfield, Illinois, 62794-9276, a Certificate of Acceptance and Agreement to be bound by all terms and conditions of the granted variance. This grant of variance shall be null and void if Petitioner fails to execute and deliver its certification in accordance with this paragraph.
  
12. The period of this variance shall, in any event, expire on March 1, 1992.

Note: This twelfth condition has been suggested by Olin. The Board believes that paragraph 1 clearly states the expiration of the variance, but accepts this suggested revision as a restatement of Olin's unequivocal commitment to fully comply by March 1, 1992. Olin states, "Under any scenario, however, Olin does not propose to extend the overall period of the variance." Motion at p. 5.

### Conclusion

Olin's request appears reasonable based on the circumstances presented in their petition. The Board finds that it is appropriate to provide for the relief requested by Olin and to make minor corrections to the Order, provided compliance will be achieved by the same March 1, 1992 deadline.

Based on Olin's request, the Agency's supporting comments and the Board's evaluation of Olin's representations, the Board believes the modifications are appropriate and involve no substantial adverse environmental impact.

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

### ORDER

The Board hereby modifies the variance granted to Olin Corporation, Joliet Plant, by Board Order of February 7, 1991. The variance with modifications is reproduced here in its entirety. Olin Corporation is hereby granted a variance from 35 Ill. Adm. Code 212.321 as applied to the scrubbers in Buildings A and B, Joliet Plant, Joliet, Illinois, subject to the following terms and conditions:

1. The variance period shall extend from January 24, 1991 until March 1, 1992.
2. Olin shall complete all testing and minor modifications on the A-North scrubber as follows:
  - A) Not later than four weeks after resuming operation of the A-North kiln, Olin shall complete all engineering matrix tests and the evaluation of any modifications, if necessary. In addition, Olin shall notify the Agency in the first monthly report subsequent to Olin's resuming operations at A-North. Olin shall inform the Agency of the date when operations resumed and of all activities completed or planned to achieve compliance using the A-North scrubber.
  - B) Not later than five months after resuming operation of the A-North kiln, but in no event later than March 1, 1992, Olin shall complete its evaluation of the impact of engineering modifications at A-North.
3. Olin shall complete modifications at the B-North scrubber, as follows:
  - A) Not later than April 1, 1991, Olin shall complete modifications to the B-North scrubber and perform engineering matrix tests for all products.
  - B) Not later than July 31, 1991, Olin shall complete the evaluation of the impact of any engineering modifications, if necessary, and all tests, evaluations and further engineering modifications.
4. Olin shall install an additional scrubber (BECO Smoke Ring Contactor and Mist Master) at B-South and implement the optimization schedule as follows:
  - A) Not later than January 31, 1991, Olin shall install the BECO scrubber system.
  - B) Not later than June 30, 1991, Olin shall complete matrix tests, evaluation of the performance of the additional scrubber and optimize unit performance.

- C) Not later than September 30, 1991, Olin shall evaluate any further engineering modifications, if necessary.
5. Olin shall complete modifications to the A-South scrubber, as follows:
- A) If operation at the A-South kiln will be resumed on or before January 1, 1992, then not later than January 1, 1992, Olin shall complete engineering modifications to the A-South scrubber, based on the evaluations made pursuant to paragraphs 2(B), if completed, 3(B) and 4(B). In addition, Olin shall also notify the Agency in the first monthly report subsequent to Olin's resuming operations at A-South. Olin shall inform the Agency of the date when operations resumed and of all activities completed or planned to achieve compliance using the A-South scrubber.
  - B) In any event, not later than March 1, 1992 Olin shall complete matrix tests and optimize unit performance and complete any further engineering modifications, if necessary.
6. Monthly progress reports are to be made to the Agency. The reports should be submitted to:
- Regional Manager  
Division of Air Pollution  
Control  
Illinois Environmental  
Protection Agency  
1701 First Avenue  
Maywood, Illinois 60153
7. Olin shall evaluate its progress and submit a report by October 1, 1991 indicating whether compliance is anticipated by the end of the variance period.
8. Olin shall maintain the scrubbers consistent with its optimization and maintenance schedule which was attached as Exhibit D to the Third Amended Petition.

9. Olin shall test to insure compliance, prior to expiration of the variance period. Notification is to be given to the Agency no later than fifteen days prior to compliance testing.
10. Olin shall comply with all provisions of any construction permits issued by the Agency for additional scrubbers for the tripoly A and B buildings.
11. Within forty-five days of the grant of the variance, Petitioner shall execute and forward to Renee A. Stadel, Division of Legal Counsel, Illinois Environmental Protection Agency, P.O. Box 19276, Springfield, Illinois, 62794-9276, a Certificate of Acceptance and Agreement to be bound by all terms and conditions of the granted variance. This grant of variance shall be null and void if Petitioner fails to execute and deliver its certification in accordance with this paragraph. The form of Certification shall be as follows:

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 89-72, May 9, 1991.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Authorized Agency

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

12. The period of this variance shall, in any event, expire on March 1, 1992.

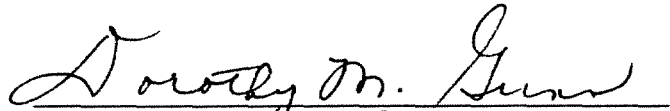


Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1987, ch. 111 $\frac{1}{2}$ , par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

J.D. Dumelle abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 9<sup>th</sup> day of May, 1991, by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board