

ILLINOIS POLLUTION CONTROL BOARD
April 29, 1982

QUALITY READY MIX,)
)
 Petitioner,)
)
 v.) PCB 81-161
)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by I. Goodman):

Quality Ready Mix (Quality) filed a petition on October 16, 1981 to extend its recently expired variance from Rule 502(a) of Chapter 2: Air Pollution for an additional year. Quality had been granted that variance on November 10, 1976 until September 2, 1981 (PCB 76-224). On October 22, 1981, the Illinois Environmental Protection Agency (Agency) moved to dismiss the Petition due to informational defects. Instead, the Board allowed Quality forty-five days from October 22, 1981 to cure the defects. Quality amended its Petition on December 8, 1981. One objection to the variance petition, dated March 4, 1982, was received. Further inquiries disclosed that the objector did not desire a public hearing and no hearing was held. No other public comments were received and the Agency filed its Recommendation on March 8, 1982.

Quality disposes of untreated lumber from scrapped railroad boxcars at its place of business, 1330 Tenth Avenue, Fulton, Illinois, which adjoins the East Clinton railroad switch yards. Quality has installed a permanent air curtain destructor and a concrete pit to handle burning the wood waste. Quality estimates that no more than eight cars are dismantled per week, each of which generates approximately ten cubic yards of unpainted and untreated lumber. The alternative to burning would be to dispose of the waste lumber in a landfill. Quality alleged that the cost of transporting and disposing of the lumber in landfills would create an arbitrary and unreasonable hardship. The nearest landfills are approximately seventeen miles away in Whiteside County, Illinois or Clinton County, Iowa. Quality estimates that disposal costs would increase from \$10.00 per railroad car to \$60.00 per railroad car scrapped if it must resort to land-filling. As for environmental harm, Quality estimated that for

each ton of this woodwaste burned at its facility approximately 4.6 pounds of particulate matter, 0.2 pounds of hydrocarbons, and 9.0 pounds of nitrogen oxide is emitted.

The Agency agreed that landfilling these wastes was prohibitively costly, but suggested no other alternative. Although none of its air monitoring stations are near enough to reflect Quality's burning activities, the Agency confirmed that no additional deterioration in ambient air quality would result if this variance is extended, especially since Quality is located in an attainment area.

In reviewing this petition, the Board finds that nothing has changed since its previous reviews. It further finds that Quality has demonstrated a continued need for variance from Rule 502(a) and that denial at this time would impose arbitrary and unreasonable hardship. However, since this is the fourth time Quality has so petitioned, the Board advises Quality to participate in any future rulemaking of the opening burning regulations relevant to its petition or to initiate a site-specific rulemaking during the period of this variance.

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

ORDER

Petitioner, Quality Ready Mix, is granted variance from Rule 502(a) of Chapter 2: Air Pollution from September 2, 1981 until September 1, 1983, subject to the following conditions:

1. Petitioner shall continue to comply with the provisions contained in the November 10, 1976 Board Order in PCB 76-224, which are incorporated herein.
2. Within forty-five days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Enforcement Programs, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period this matter is being appealed. The form of the certificate shall be as follows:

CERTIFICATE

I, (We), _____, having read the Order of the Illinois Pollution Control Board in PCB 81-161, dated _____, understand and accept the said conditions thereto binding and enforceable.

Petitioner


By: Authorized Agent

Title

Date

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 29th day of April, 1982 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board