

ILLINOIS POLLUTION CONTROL BOARD
June 22, 1978

PEOPLE OF THE STATE OF ILLINOIS,)
and ENVIRONMENTAL PROTECTION)
AGENCY,)
Complainants,)
v.) PCB 76-310
INTERLAKE, INCORPORATED,)
Respondent,)
- and -
INTERLAKE, INCORPORATED,)
Petitioner,)
v.) PCB 77-44
) CONSOLIDATED
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Goodman):

This matter is before the Board as a consolidation of an enforcement action against Interlake, Incorporated (Interlake) filed December 3, 1976 (PCB 76-310) and Interlake's subsequent counterclaim for variance filed February 10, 1977. The counterclaim was accepted by the Board as a petition for variance, docketed as PCB 77-44 and consolidated with PCB 76-310 by Order of the Board April 15, 1977. The complaint in PCB 76-310 alleges violation of Rules 203(d)(2) and 206(d) of Chapter 2 which regulate the emission of particulates and carbon monoxide, respectfully and Section 9(a) of the Act. The petition seeks variance from this rule as well as from Rules 104, 202(b)(opacity) and 206(d)(Carbon Monoxide).

The subject of these proceedings is Interlake's sinter plant, which is part of an integrated steel production facility in southern Chicago. The sinter plant processes 138 tons/hr. of

steel production waste material for recycling and reuse in blast furnace ironmaking. The major sources of pollutants from this plant are the windbox end stacks, which have a total airflow of 320,000 cfm. Emission of CO is in the range of 3990-4450 ppm, which is well in excess of the 200 ppm standard in Rule 206(d). Emission of particulates is in the range of 75-225 lbs./hr. Rule 203(d)(2) limits these stacks to 45.24 lbs./hr. based on a process weight rate of 138 tons/hr.

Over the last five years Interlake has installed emission control equipment at a cost of \$1.5 million. This equipment includes a "wet" Peabody scrubber for the breaker end stack and multicyclone and CVX cleaning devices for the windbox end stacks. The CVX devices include an electrostatic precipitator and moisture eliminator. The equipment for the windbox end stacks has not been sufficient to achieve compliance with the Rule 203(d)(2) standards for particulates. With regard to CO emissions, Interlake contends that compliance is not economically feasible and is currently seeking a rule modification (R78-1).

In its initial recommendation, the Agency favored denial of the variance for lack of an adequate compliance program for particulates and CO. The Agency withdrew its objection in an amended recommendation filed January 24, 1978, as part of a joint stipulation of fact and settlement agreement. The settlement agreement contemplates dismissal of the complaint against Interlake and the granting of a variance from Rules 104, 202(b), 203(d)(2) and 206(d) until July 1, 1979. The variance would be conditioned upon completion by Interlake of various improvements in its emission control systems by that date or, in the alternative, closing down operation of the sinter plant.

The Board reiterates its long standing position that stipulations, except as to facts, are inappropriate in a variance proceeding. See General Motors Corporation v. EPA, PCB 76-205. Such a stipulation contradicts the intent of the Act which grants the Board sole authority to determine whether the requisite arbitrary and unreasonable hardship exists for the granting of a variance. In this case Interlake has expended \$1.5 million on control equipment and is still unable to meet the particulate emission standards. In addition, Interlake's economic capability for meeting CO emission standards is currently the subject of a proposed rule modification. In light of these factors, requiring compliance at the present time would be arbitrary and unreasonable. We accept the Agency's recommendation that a variance be granted for one year. The compliance program agreed to by both parties in the stipulated settlement agreement will be treated as a recommendation for conditions to be attached to a variance. The Board accepts

the recommendation and grants the variance subject to the conditions enumerated in the Board's Order.

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

ORDER

It is the Order of the Pollution Control Board that:

- 1) The enforcement action against Interlake, Incorporated in PCB 76-310 be dismissed with prejudice.
- 2) The petition for variance in PCB 77-44 from Rules 104, 202(b), 203(d)(2), and 206(d) of Chapter 2 of the Regulations be granted until July 1, 1979 subject to the following conditions:
 - a) Interlake shall complete installation of additional water or moisture capture devices and electrical equipment and adjustment of electrostatics on each CVX unit by February 1, 1979.
 - b) Interlake shall complete installation of a water recycle system with water treatment by July 1, 1979.
 - c) Interlake shall post a \$25,000 performance bond to secure performance of these improvements.
 - d) Interlake shall shut down its sinter plant on July 1, 1979 if compliance with Rule 203(d)(2) is not achieved.
 - e) Interlake shall complete replacement of the impeller on the breaker box fan and the moisture eliminator on the breaker box Peabody scrubber by June 1, 1978.
 - f) Interlake shall provide the Agency with data on particulate emissions from the breaker stack by June 1, 1978.

- 3) Within 45 days of the adoption of this Order, Interlake, Incorporated shall execute and forward to both the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 and the Pollution Control Board a Certification of Acceptance and Agreement to be bound to all terms and conditions of this Order. The 45 day period shall be held in abeyance during any period this matter is being appealed. The form of said certification shall be as follows:

CERTIFICATION

I (We), _____ having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 76-310 hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

SIGNED _____

TITLE _____

DATE _____

Mr. Dumelle concurs.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 22ND day of June, 1978 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board