

ILLINOIS POLLUTION CONTROL BOARD
April 12, 1979

ROPER APPLIANCE,)
)
 Petitioner,)
)
 v.) PCB 78-291
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

This matter is before the Board upon the November 21, 1978 Petition of Roper Appliance (Roper) requesting relief from Rule 203(g)(1) of the Board's Air Pollution Control Regulations for a coal-fired boiler located at its Kankakee, Illinois facility. No hearing was held in this matter, and the Board has received no public comment.

Upon review of the Petition herein, it is apparent that Roper desires the Board to issue an emergency variance, i.e., a variance which would allow the use of an uncontrolled boiler under emergency conditions whenever Roper's gas-fired equipment fails to function. As is stated in page 4 of the Petition, Roper's objective "is to eliminate all coal burning process except for emergency conditions."

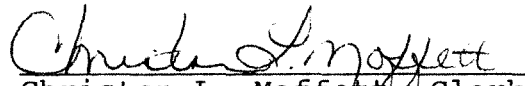
As the Board has stated in the past, the variance procedure is not designed to address the emergency emission of pollutants, but rather to allow a company to continue operation while pursuing and establishing compliance with the Regulations. (City of Breese v. EPA, PCB 77-200 (1977)); (City of Mascoutah v. EPA, PCB 75-295 (1975)); (State of Illinois, Department of Mental Health, Manteno State Hospital v. EPA, PCB 74-352 (1974)). The instant petition, therefore, requests inappropriate relief, and the Board will dismiss the Petition without prejudice.

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 the November 21, 1978 Petition for Variance of Roper Appliance be and is hereby dismissed without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 12th day of April, 1979 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board