

ILLINOIS POLLUTION CONTROL BOARD

October 9, 1975

WALWORTH COMPANY,)
Petitioner,)
)
v.) PCB 75-206
)
ENVIRONMENTAL PROTECTION AGENCY)
Respondent.)

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

This case comes before the Board upon a petition for extension of a variance previously granted in PCB 74-197, 14 PCB 697 (1974). The Petition, filed May 16, 1975, seeks additional time within which to complete a compliance program. No hearing has been held.

Walworth Company operates a conventional gray iron foundry in Kewanee, Illinois, known as its Kewanee Division. In the previous case we granted Walworth a variance from Rule 203(b) of the Air Pollution Regulations until June 30, 1975, in order to continue operating two cupolas pending the fabrication and installation of additional equipment to the existing scrubber system. For the purposes of brevity, the reader is referred to the earlier case for a more complete description of Walworth's facility. Numerous conditions, including reporting requirements and a maximum emission rate, were imposed in that case. Walworth now seeks variance until September 15, 1975.

As grounds for the variance Walworth claims that delivery of a fan and motor, originally scheduled for May 1, 1975, was delayed until the second week of June as a result of labor difficulties at the plant of Buffalo Forge Company, the fabricator of this equipment. In support of this contention copies of letters from counsel for Buffalo Forge Company and American Air Filter Company (the contractor) were attached to the petition as Exhibits A and B. Walworth also indicated a revised timetable as set forth in a letter from its contractor, attached as Exhibit C. This schedule is as follows:

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|--------------------------------------------------------------------------------------------------------------------|--------------------|
| 1. Select and order additional fan and auxiliary equipment | Completed |
| 2. Receive and install additional electrical circuits to the foundry to meet the needs of the additional equipment | May 30, 1975 |
| 3. Receive and install new equipment | July 15, 1975 |
| 4. Perform shake-down runs and conduct emission tests | August 5, 1975 |
| 5. Submit data in support of operating permit | September 15, 1975 |

On May 22, 1975, the Board ordered Walworth to amend its petition by supplying additional information regarding ambient air quality levels. The amended petition was filed on July 21, 1975. It indicated that Walworth had had installed, at a cost in excess of \$40,000, additional electrical capacity necessary for the operation of the new equipment. It further indicated that the plant had been shut down during the month of July to facilitate installation of the control equipment. With respect to air quality levels, Walworth claimed that the Agency informed it that there was no data in existence relative to the total particulate being emitted from any source in the Kewanee and Henry County area. Rather, Henry County would have to be classified as being part of the Metropolitan Quad-Cities Interstate Air Quality Control Region 69. Walworth alleges that a review of the 1973 Air Quality Network Report and monthly reports for 1974, provided by the Agency, indicates that particulate levels for Region 69 are below National Ambient Air Quality Standards. Finally, Walworth claimed that by August 1, 1975, the additional control equipment would be completely installed and, based upon prior analysis by the contractor, the foundry would be in full compliance with Rule 203(b). Walworth thus requested variance for the month of August while testing would be conducted and an application for an operating permit could be processed.

The Agency filed a Recommendation in favor of the variance petition on August 21, 1975. It indicated that, with the estimated reduction of particulate levels made possible by the scrubber modification, Walworth should be well within the Rule 203(b) standard. It further indicated that as of August 8, 1975, the scrubber was operational and stack testing had commenced. It requested that a Board Order granting the variance extension reimpose all applicable conditions from the earlier case, require Walworth to expeditiously apply for all necessary operating permits, and require submittal of stack test results pursuant to a special condition of a previously issued construction permit.

On the facts of this case the Board finds that the variance is not needed. The record sufficiently indicates that there would be no violation of Rule 203(b) subsequent to the expiration of the original variance. For the month of July no variance is needed since the facility has been shut down. Beyond that date, the record is clear that Walworth has substantially completed its compliance program, subject only to stack testing, and thus would be in compliance. For these reasons we find that the requested variance is not necessary, and we dismiss the case without prejudice. We also note that the Agency requests are unnecessary since the original variance conditions, including a stack test report, remain in effect, and an operating permit will need to be expeditiously applied for to prevent a violation of the permit requirements of the Act or regulations.

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

ORDER

The petition of Walworth Company for an extension of a variance previously granted in PCB 74-197 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 9th day of October, 1975 by a vote of 3-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board