

ILLINOIS POLLUTION CONTROL BOARD
December 21, 1971

WITCO CHEMICAL CORP.)
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)
 v.) # 71-250
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 ENVIRONMENTAL PROTECTION AGENCY)

Maurice E. Gosnell for Witco Chemical Corporation
Frederick C. Hopper for the Environmental Protection Agency
Opinion of the Board (by Mr. Currie):

The Air Pollution Control Board in May 1970 approved Witco's program (Acerp) for bringing particulate emissions from its Lawrenceville plant into compliance with the regulations. Witco now asks reapproval of that program, pursuant to our decision (EPA v. Commonwealth Edison Co. # 70-4, Feb. 17, 1971), that such approval was valid only for one year. We grant the request.

Witco's initial program called for the completion of construction of controls by March 15, 1972, and the company is on schedule. Baghouses for asphalt grinding and a fume incinerator for asphalt oxidizing are on the premises, permits have been obtained, and construction is proceeding. Witco will need sixty days beyond March 15 for testing and debugging.

The time to compliance now is quite short, and we see no way to make it shorter without shutting down the plant, which on the record is not justified. Under these circumstances we have invariably reapproved Acerps, e.g., US Industrial Chemicals Co. v. EPA, # 71-44 (Oct. 14, 1971). Any question as to the promptness of the company's initial filing was wiped out by the old Board's approval of the program (see, e.g., Moody v. Flintkote Corp., # 70-36, Sept. 2, 1971). We shall require a bond or other security for this \$750,000 program, as the statute requires. Since the equipment has already been purchased, a relatively low amount will suffice.

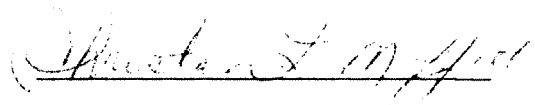
This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

Witco Chemical Co. is hereby granted a variance until May 15, 1972, to emit from its Lawrenceville plant particulate contaminants in excess of those permitted by the Rules and Regulations Governing the Control of Air Pollution, on the following conditions:

1. Witco shall diligently pursue the control program described in the record;
2. Witco shall within 35 days after receipt of this order post with the Agency a bond or other adequate security in the amount of \$50,000 to assure timely completion of that program;
3. Witco shall not increase its emission of contaminants during the period of this variance;
4. Any breach of the conditions of this order shall be grounds for revocation of the variance.

I, Christan Moffett, Acting Clerk of the Pollution Control Board, certify that the Board adopted the Above Opinion this 21st day of December, 1971 by a vote of 4-0.


Christan F. Moffett