

ILLINOIS POLLUTION CONTROL BOARD  
January 16, 1975

HIGHLAND SUPPLY CORPORATION, Petitioner,	)	
	)	
v.	)	PCB 74-377
	)	
ENVIRONMENTAL PROTECTION AGENCY, Respondent,	)	
	)	

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

Petition for variance from Rule 3-3.112 of the Rules and Regulations Governing the Control of Air Pollution was filed October 18, 1974. The Petition asks for variance from the particulate regulations of this Rule. The Highland Supply Corporation operates a coal-fired boiler for heating purposes.

The emissions are calculated as 1.412 lbs/MM Btu of particulate compared to the standard in the Rule of 0.6 lbs/MM Btu. The present equipment includes a Canton Under Feed Coal-Fired Stoker with a maximum firing rate of 6.3 MM Btu/hr. and an average firing rate of 1.6 MM Btu/hr. The Highland Supply Corporation operates a facility for the printing and converting of aluminum foil into florist foil and paper backed foil for gift wrapping. About 60 people are employed at the Highland, Madison County, location.

An operating permit was sought for the existing boiler during the third week in August, 1974. The application was denied by the Agency on September 2, 1974 and the instant Petition was then filed.

The Agency, in a recommendation filed November 25, 1974, recommends a grant of the variance. It states that persons living near the subject plant had no objection to a grant if the proposed schedule (a new gas-fired boiler operational by April 15, 1975) is met.

The Petitioner alleges that no complaints have ever been filed about its boiler. The hardship alleged would be a shutdown of the business. Purchase order dated October 10, 1974 was submitted showing a commitment to buy and install a gas-fired steam boiler of 4.3 MM Btu input and 3.44 MM Btu output at a cost of \$7,690.

The Board does not accept the argument of hardship as advanced. A variance denial is not a shutdown order. It merely means a shield from prosecution has not been given. Nothing in this record tells how long Highland Supply Corporation has been in business at this location. Rule 3-3.112 was adopted as effective on April 15, 1967. If the Rule could not be met, sources were to file an Air Contaminant Emission Reduction Program (ACERP) with the Technical Secretary of the former Illinois Air Pollution Control Board (Rule 2-2.4).

There is no mention of an ACERP being filed and both Highland Supply Corporation and the Agency date the "discovery" of the force of Rule 3-3.112 on this facility as occurring during August 1974, some 7-1/2 years after its effective date.

We grant the variance because no complaints are recorded and because a satisfactory compliance program is in process to be completed as of April 15, 1975. We ask the Agency to make as certain as possible that all other sources of illegal emissions to the atmosphere are fully aware of their responsibilities to conform to existing Rules and Regulations. But we realize that the burden rests with a source to know its legal responsibilities.

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

ORDER

1. Variance is granted from Rule 3-3.112 from October 18, 1974 to April 15, 1975.
2. All necessary permits shall be applied for.
3. A surety performance bond in the amount of \$2,000 shall be posted with the Agency.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 16<sup>th</sup> day of January, 1975 by a vote of 4-0.

  
Christan L. Moffett, Clerk