

ILLINOIS POLLUTION CONTROL BOARD  
March 20, 1997

W.R. GRACE & CO. - CONN.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 96-193
	)	(Variance - Air)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on a March 13, 1997 joint motion to clarify the Board's February 6, 1997 order. The parties state that the language in paragraphs A(3) and A(4) was not the exact language proposed in the parties' Proposed Compliance Plan, and request the Board to restore the original language for purposes of clarity.

The Board grants the parties' motion. The second sentence in paragraph A(3) which stated "[t]he studies shall include any Agency modifications" is amended to read:

The studies undertaken by Grace will include consideration and evaluation of all matters requested by the Agency to be included in the scope of studies.

The second sentence in paragraph A(4) is amended to include the phrase "based on the supporting documentation" and reads as follows:

Upon receipt, the Agency shall evaluate the conclusions based on the supporting documentation and either concur or reject the proposed compliance method as expeditiously as possible, but in any event, no later than July 15, 1997.

The order, as amended, is set forth below in its entirety.

ORDER

For its facility located at 6050 West 51<sup>st</sup> Street, Chicago, Cook County, Illinois petitioner, W.R. Grace & Co.-Conn. (Grace), is hereby granted a two-year extension of variance from the Board's testing requirements under 35 Ill. Adm. Code 218.106(c), 218.940(b), 218,946, 218.948 and 218.Subpart UU as to its solvent mixer loading operation. This variance shall commence retroactively on March 16, 1996 and

terminate on March 16, 1998. Grace is also granted a variance from the testing requirements under 35 Ill. Adm. Code 218.106(c), 218.940(b), 218,946, 218.948 and 218.Subpart UU as to its catalytic oxidizer. This wholly retroactive variance shall commence on March 15, 1996 and terminate on October 25, 1996. Finally, Grace is granted a variance from the Board's emission control requirements under 35 Ill. Adm. Code 218, Subpart QQ, and the related recordkeeping and reporting requirements under 35 Ill. Adm. Code 218, Subpart UU and Section 9(b) of the Environmental Protection Act (Act) as to its solvent mixer loading operations and its catalytic oxidizer. (415 ILCS 5/9(b) (1994).) This variance shall commence retroactively on August 15, 1996 and terminate on May 15, 1998.

This grant of variance is subject to the following conditions:

- A. Grace shall submit by January 15, 1997, detailed outlines for studying other possible methods of compliance, as set forth in subsection (1) below.
  1. The outlines shall detail studies of catalytic oxidation, enclosed flare and other options, as appropriate for control devices, pursuant to the following:
    - a) A catalytic oxidizer study shall, at a minimum, include information as to feasibility and safety concerns regarding use of the following:
      - (1) VOM monitors, or a series of monitors in the duct work leading to the catalytic oxidizer;
      - (2) Warning systems capable of diverting emissions that exceed the lower explosive limit to an emergency bypass stack;
      - (3) The installation of rupture discs and flame arresters in the duct work leading to the catalytic oxidizer; and,
      - (4) The effects of installation of a dilution box in the duct work leading to the catalytic oxidizer.
    - b) An enclosed flare study shall provide information on all aspects of the use of a flare for emissions control.
    - c) Grace may also submit outlines for any other control device it wishes to study.

2. Each such outline shall include all test methods and procedures to be used during the studies, all appropriate emission factors and a timeframe for completion of the studies.
  3. Each such outline shall be subject to modification and approval by the Agency prior to commencement of the studies. The studies undertaken by Grace will include consideration and evaluation of all matters requested by the Agency to be included in the scope of studies. The Agency shall complete evaluation and approval of each outline no later than February 1, 1997.
  4. Grace shall submit the conclusions reached during the course of the investigations, including all supporting documentation, test methods and procedures to the Agency as they become available, but in any event, no later than July 1, 1997. Upon receipt, the Agency shall evaluate the conclusions based on the supporting documentation and either concur or reject the proposed compliance method as expeditiously as possible, but in any event, no later than July 15, 1997.
  5. In the event that the Agency concurs with the proposed compliance method, the following items shall be completed:
    - a) A purchase order for control equipment shall be initiated by August 1, 1997;
    - b) Control equipment shall be installed and operational by April 1, 1998; and,
    - c) All necessary testing of the control equipment shall be conducted and submitted to the Agency by May 15, 1998.
- B. During the pendency of the variance, Grace shall submit to the Agency by the first of each month, monthly progress reports documenting progress made on the studies delineated in paragraph A above, as well as monthly emissions estimates. These progress reports, outlines and studies shall be submitted to:

Illinois Environmental Protection Agency  
Bureau of Air  
2200 Churchill Road, P.O. Box 19276  
Springfield, Illinois 62794-9276  
Attn: Compliance Section Manager

and

Illinois Environmental Protection Agency

Bureau of Air  
1701 First Avenue  
Maywood, Illinois 60153  
Attn: Compliance Section Manager

- C. Grace shall submit all required construction and operating permit applications, including an amendment to its pending Clean Air Act Permit Program (CAAPP) application to the Agency's Permit Section Manager at the Springfield address in Paragraph B, as required to meet all applicable regulatory requirements under the Act and the deadlines in this variance.
- D. By April 1, 1998, Grace shall comply with 35 Ill. Adm. Code 218, Subpart QQ and by May 15, 1998 with Subpart UU.

IT IS SO ORDERED.

If Grace chooses to accept this variance subject to the above order, within forty-five days of the grant of variance, Grace must execute and forward the attached certificate of acceptance and agreement to:

Tina Archer  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
P.O. Box 19276  
2200 Churchill Road  
Springfield, Illinois 62794-9276

Once executed and received, that certificate of acceptance and agreement shall bind Grace to all terms and conditions of the granted variance. The 45-day period shall be held in abeyance during any period that this matter is appealed. Failure to execute and forward the certificate within 45 days renders this variance void. The form of the certificate is as follows:

CERTIFICATION

I (We), \_\_\_\_\_, hereby accept and agree to be bound by all the terms of the Order of the Pollution Control Board in PCB 96-193, March 20, 1997.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Authorized Agent

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Title

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Date

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See *also* 35 Ill. Adm. Code 101.246 "Motions for Reconsideration.")

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the \_\_\_\_ day of \_\_\_\_\_, 1997, by a vote of \_\_\_\_\_.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board