

	<u>Date Activity Will Be Completed</u>
Date the applicant will apply for a construction permit for this item of equipment or modification of equipment	Being submitted simultaneously with this variance petition
Date the applicant will enter into a binding agreement to purchase or modify this item of equipment	6/1/73
Date this item of equipment will be delivered to the applicant's facility	10/1/73
Date construction or modification of equipment will be completed	1/1/74
Date applicant will test equipment to demonstrate compliance with the Environmental Protection Act and substantive regulations promulgated thereunder	2/1/74
Date equipment will be fully operational	3/1/74

Computations based upon micron size of emissions of particles, the configuration of the plant site and contiguous property and the prevailing wind have enabled Petitioner to compute that substantially all of the particulates will settle out before reaching the nearest residence, most of which will settle on Petitioner's property. No complaints have been received from the neighbors.

Petitioner seeks a variance to March 1, 1974 from Rule 203(a) (Particulate Emission Limitations for New Process Emission Sources), Rule 203(i)(2) (December 31, 1973 Compliance Date), Rule 104 and 104(b) (Compliance Program and Project Completion Schedule), and Rule 114, presumably relating to the limitations presently embodied in the Rules and Regulations Governing the Control of Air Pollution.

The Agency recommends that the variance be granted subject to certain conditions hereinafter specified. The Agency states that the rotary dryer is presently in violation of Rule 3-3.111 of the Rules and Regulations Governing the Control of Air Pollution, which requires it to comply with the more stringent regulations contained in Rule 203(a) of the newly adopted Regulations by December 31, 1973. The present allowable standard under Rule 3-3.111 is 50.2 lb/hr, whereas Rule 203(a) will limit emissions as above noted to 28.1 lb/hr effective December 31, 1973. The Agency states that it believes the equipment will be effective in bringing the Petitioner's facility into compliance with Rule 203(a) and likewise believes that the time schedule proposed for compliance is reasonable. It states that variances from Rules 104, 104(b) and 114 are unnecessary and inappropriate. However, in view of the need to obtain an operating permit to assure the plant's continuing operation, we believe a variance from Rule 104 is appropriate. The variance from Rule 114 is in effect a request for variance of Rule 3-3.111 of the present Air Rules. The Agency recommends that the variance of Rule 3-3.111 of the Rules and Regulations Governing the Control of Air Pollution (old rules) and Rules 203(a) and 203(i)(2) of the Air Pollution Rules (new rules) be granted subject to the following conditions:

- a) On August 1, 1973, November 1, 1973 and January 1, 1974, Petitioner shall submit to the Agency progress reports indicating progress made towards completion of the project.
- b) Petitioner shall apply for and obtain all necessary permits from the Agency.
- c) Within thirty-five (35) days from the date of a Board Order in this case, Petitioner shall submit a performance bond in a form satisfactory to the Agency and in an amount deemed appropriate by the Board to ensure compliance with this Order and the Rules and Regulations.
- d) Within thirty (30) days of the completion of this project, Petitioner shall have performed a stack test. Petitioner shall submit the results of the stack test to the Agency. Within five (5) days of the date of said test, Petitioner shall notify the Agency of the time and place of said test and allow Agency observation if it is desired.

We grant the variance as requested subject to the terms and conditions proposed by the Agency.

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

IT IS THE ORDER of the Pollution Control Board that Petitioner, Owens-Illinois, Inc. be granted a variance until March 1, 1974 from Rule 3-3.111 of the Rules and Regulations Governing the Control of Air Pollution and from Rules 104, 104(b), 114, 203(a) and 203(i)(2) of Chapter 2: Air Pollution, Illinois Pollution Control Board Rules and Regulations to enable installation of a W. W. Sly scrubber for control of particulate emissions at its Shabbona Sand Plant located at Serena, Illinois subject to the following terms and conditions:

- a) On November 1, 1973 and January 1, 1974, Petitioner shall submit to the Agency progress reports indicating progress made towards completion of the project.
- b) Petitioner shall apply for and obtain all necessary permits from the Agency.
- c) Within thirty-five (35) days from the date of this Order, Petitioner shall submit a performance bond in the amount of \$11,000 in form satisfactory to the Agency to ensure the installation and operation of the aforementioned control equipment.
- d) Within thirty (30) days of the completion of this project, Petitioner shall have performed a stack test. Petitioner shall submit the results of the stack test to the Agency. Within five (5) days of the date of said test, Petitioner shall notify the Agency of the time and place of said test and allow Agency observation if it is desired.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 30th day of August, 1973, by a vote of 3 to 0.

Christan L. Moffett