

is reasonable...A variance from the particulate regulations will not be detrimental to the public since the emissions of ground corn particulates are nontoxic and since the Agency has received no complaints concerning the excessive particulate emissions."

To control its malodorous emissions, under Section 9(a) of the Act, Petitioner proposed to install a wet scrubber at a cost of \$55,000. This unit is to be operational by August 1, 1975. No reason was given for the delay in handling this problem. The EPA recommended denial of the variance in that "the Agency has received several complaints from residents living in the immediate vicinity of Petitioner's facility alleging noxious odors from Petitioner's plant."

We grant Petitioner's request for a variance as to Rule 203(a) of Chapter Two. Petitioner has set up a reasonable compliance program and is taking steps to abate the pollution problem, although Petitioner's action is tardy. In granting this Variance to Rule 203(a) the Board does so because of the compliance program and in recognition of the minimal adverse environmental impact during the variance period.

Petitioner's request for a Variance from Section 9(a) of the Act is denied without prejudice. No adequate statement of hardship to Petitioner is given. Petitioner requests a Variance from nuisance provisions of the Act while EPA has received complaints of the odor from Petitioner's plant. To grant this Variance would condone possible inconvenience to neighbors when Petitioner has not shown that it would be an unreasonable hardship to operate its plant so as not to cause such inconvenience.

ORDER

The request for a Variance from Section 9(a) of the Act is denied without prejudice. Petitioner is granted a variance from Section 203(a) of Chapter Two from January 1, 1974, until December 31, 1974, subject to the following conditions:

1. Petitioner shall apply to the Agency for all permits necessary for the construction and operation of the baghouse.
2. Commencing thirty (30) days after the Board's Order herein, and continuing quarterly thereafter, Petitioner shall submit reports to the Agency detailing all progress made toward compliance with Rule 203(a). Said reports shall be sent to:

Environmental Protection Agency
Division of Air Pollution Control
Control Program Coordinator
2200 Churchill Road
Springfield, Illinois 62706

3. Within thirty (30) days of the adoption of Board's Order, Petitioner shall post a performance bond in the amount of \$25,000, equal to the cost and installation of a baghouse which will meet the requirements of Rule 203(a) of Chapter Two.
4. Within thirty (30) days of the final installation of the baghouse, Petitioner shall arrange for a stack test to be conducted by an independent stack testing firm. The Agency shall be notified at least five (5) days prior to the test, and shall have the right to witness the test.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 23RD day of May, 1974, by a vote of 5 to 0.


Christan L. Moffett, Clerk