

ILLINOIS POLLUTION CONTROL BOARD
December 12, 1972

U. S. INDUSTRIAL CHEMICALS COMPANY)
DIVISION, NATIONAL DISTILLERS AND)
CHEMICAL CORPORATION)
) #72-292
)
v.)
)
ENVIRONMENTAL PROTECTION AGENCY)

OPINION AND ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

Motion to modify the Board's Order of October 17, 1972, as amended by supplemental Order of October 24, 1972, by deletion of the supplemental Order of October 24, 1972 has been filed by the Company. The October 24, 1972 Order directed that a hearing be held with respect to testing procedures and conclusions reached concerning the Company's monitoring program of SO₂ required pursuant to our original October 14, 1971 Order. The Company's contention is that the Order is vague and uncertain and beyond the authority of the Board. We find the Company's position wholly lacking in merit and the motion is accordingly denied. The Agency has filed a motion with respect to the same provision asking for clarification rather than deletion, which motion will be acted on at the Board's December 19, 1972 meeting.

The Company also asks for deletion of Condition 3 on Page 6 of the October 17, 1972 Order with respect to stack tests. In its motion, the Company neglects to include the portion of the Order directing the submission to the Agency of coal analysis, daily fuel log and such additional information as will enable a calculation of sulphur dioxide emission based on standard emission factors. This provision was included in consideration of representations made previously by the Company and no reason suggests itself why the requirements of paragraph 3 should be deleted at this late date. Accordingly, this portion of petitioner's motion is likewise denied.

IT IS SO ORDERED.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on the 12th day of December, 1972, by a vote of 4 to 0.

