ILLINOIS POLLUTION CONTROL BOARD

November 22, 1974

NATIONAL BY-PRODUCTS, INC., Petitioner,	)	
vs.	)	PCB 74-322
ENVIRONMENTAL PROTECTION AGENCY, Respondent.	)	

John L. Parker, Attorney for Petitioner
William A. Erdman, Attorney for the EPA

OPINION OF THE BOARD (by Mr. Henss):

On November 7, 1974 we granted National By-Products, Inc. variance from Rule 802(b) (odors) of the Air Pollution Control Regulations for its Decatur rendering plant. The variance is from August 15, 1974 to June 15, 1975. Variance from Section 9(a) of the Environmental Protection Act was denied. This Opinion states the reasons for our decision.

National By-Products requested that we extend the variance which had previously been granted in PCB 73-208. In PCB 73-208 Petitioner had been allowed a variance from Rule 802(b) of the Air Pollution Control Regulations and Section 9(a) until August 14, 1974 provided it comply with certain requirements. One of the requirements was that an odor evaluation be made after installation of a hot well cover.

Completion of the hot well cover project was achieved within the allowable time period and Petitioner proceeded to evaluate the success of the project through an odor test as ordered.

Petitioner informed the Board that it had performed the required test, which resulted in low levels of odor detection (less than 3 odor units per cubic foot), but that it had been necessary to use a test method different from that required by the Order. The odor measuring technique which was used was a dynamic forced-choice olfactometer method and is described in "Source Emission Odor Measurement By a Dynamic Forced-Choice Triangle Olfactometer" by Andrew Dravnieks and William H. Prokop (presented at 66th Annual Meeting of the Air Pollution Control Association, June 24-28, 1973, Air Paper #73-276).

These tests were conducted in the presence of Agency representative John Schum, Jr. and according to Petitioner, all results were submitted to the Agency. However, in its Recommendation the Agency denied receiving details of the test and, therefore, could not report to the Board regarding the odor evaluation. Since the method used was different from that which had been ordered and the Agency's evaluation of the method and results was essential, the Board ordered National By-Products to submit a complete record of the odor evaluation to the Agency. The Agency in turn was ordered to submit its report to the Board within 7 days of receipt of the evaluation report.

National By-Products responded by providing the Agency with the required materials and, in addition, by supplying additional information to the Board. This new information indicates that Petitioner's Dr. Fred E. Bisplinghoff had visited the Agency's Regional Supervisor, Edward Campbell, in Springfield to arrange for the testing. Petitioner asserts that, after Dr. Bisplinghoff explained the alternate technique to Campbell, extolling its superiority over the Mills technique, Campbell granted permission to use the alternate technique.

The Agency acknowledged that the meeting had taken place, but Campbell denied that he had granted Dr. Bisplinghoff permission to use any procedure not authorized by the Board. While the issue of what took place in that meeting is unresolved, the Board does not feel that this is crucial to a decision in this matter.

John Schum, Jr. noted that atmospheric conditions during testing were "quite conducive to the rapid dissemination of odors", but the Agency concludes that the test result indicated no violations of Rule 802(b). If the Rule is not being violated then a variance is not needed. However, we have decided that there might be a violation of the Rule under certain atmospheric conditions and the variance request is not moot.

During interviews with persons residing near Petitioner's plant the Agency received mixed response to the hot well cover project. Some citizens felt that they had received relief but others felt that the odors from the plant were just as intense and bothersome as they had been prior to installation of the hot well cover.

The Board feels that Petitioner has complied with the intent of the previous variance Order. The record indicates a degree of success in alleviating the odor problem and justifies variance from the numerical limitations of Rule 802(b).

There is some citizen dissatisfaction with the odor reduction and we think Petitioner should remain subject to Section 9(a) of the Act. The best way to reduce the odor problem in the short remaining life of this plant is to respond to differing atmospheric

conditions and citizen complaints by any necessary day-to-day adjustments in plant operations. Petitioner will perhaps remain more sensitive to odor complaints and more readily adjust the day-to-day operations and housekeeping practices if subject to Section 9(a) of the Act.

With the conditions required by our November 7, 1974 Order and some sensitivity toward odor complaints the Petitioner should be able to continue operating its Decatur plant until the June 15, 1975 shutdown with minimal environmental impact upon its neighbors.

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

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion was adopted this 22nd day of November, 1974 by a vote of 4 to 0.

Christan L. Moffett