

ILLINOIS POLLUTION CONTROL BOARD  
March 28, 1972

DEERE & COMPANY )  
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 )  
v. ) PCB 71-353  
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ENVIRONMENTAL PROTECTION AGENCY )  
 )

Opinion of the Board (by Jacob D. Dumelle)

Deere & Company (Deere) filed a petition for variance on November 8, 1971 asking the Board to allow its gray-iron foundry located at the John Deere Plow & Planter Works, 501 Third Avenue, Moline, Illinois to operate in violation of air pollution regulations until December 31, 1972 at which time air pollution control equipment would be fully installed and operational. The company, at the time it submitted its amended ACERP in 1968, had planned to close the foundry and two other implement factory foundries by December 1972. The company's original ACERP submitted in April of 1968 outlined a program of retirement for the foundries by December 1973 and after further study the closing date was advanced to December 1972. The ACERP included the proviso that "If future planning should find it desirable to indefinitely continue the operation of any one of the existing gray iron foundries beyond the dates indicated for closing, then equipment will be installed which will meet the emission standards." The company now asks us to approve its exercise of its option to continue operation of its gray-iron foundry at the John Deere Plow & Planter Works.

On March 13 Deere submitted a Motion to Grant the Variance Without Hearing. Based on the sworn statements of the company and the favorable recommendation of the Environmental Protection Agency we grant the requested variance subject to the conditions enumerated in the attached order.

In its motion the company detailed the circumstances of the inadvertence which caused the delay in filing this petition for variance. Although the formal petition for variance was not a timely filing the company had in fact been proceeding for some time with its plans to control the foundry emissions and had kept the EPA fully informed of its plans. Until sometime after the filing of the variance the company was proceeding on the basis that it was operating under a valid ACERP covering the foundry. Deere was subsequently informed by the EPA that, under the precedent of EPA v. Commonwealth Edison Co., PCB 70-4, February 17, 1971, all ACERPs

approved under the old Air Pollution Control Act would expire one year after the effective date of the Act. The Commonwealth (PCB 70-4) case therefore declared that all holders of approved compliance programs must seek extensions after July 1, 1971. The company was informed on October 29, 1971 that a variance should be filed and they promptly did so.

The foundry has two cupolas which have a process rate of 18,750 pounds per hour each. Both are presently equipped with wet cap collectors stated to be operating at an efficiency of about 50% (weight). Only one cupola is operated at any given time with emissions estimated at 29 pounds per hour. The present standard limits emissions to about 18 pounds per hour. Without the wet caps and with no other control the emissions are estimated to be 58 pounds per hour.

The company plans to control the foundry emissions with a bag-house collection system from which the emission rate of particulate matter will be 3 pounds per hour. Prior to passing into the bag-house the cupola off-gases will pass through an afterburner where any residual combustibles will be incinerated. Installation of the afterburners and other "in-line" equipment is scheduled for the month of July when the factory is shut down. Some time after the installation is required to start up and "de-bug" the control system. It is our hope that in this instance as in several earlier situations Deere will be able to complete its pollution control project before the scheduled operating date of December 31, 1972.

As a condition to the grant of this variance we shall require the posting of a security in the amount of \$20,000 to assure the satisfactory completion of the job. We have little or no information in the record to guide us in setting the amount of the bond in this case although we are confident that the cost of control is very considerably in excess of the figure we have set. Nonetheless \$20,000 may be as appropriate as any amount since the compliance program is well advanced and heading toward completion. The rationale of setting the bond in the approximate amount of the cost of the control project is not apt in this case. The security shall be conditioned upon the operation of the foundry with inadequate control facilities after December 31, 1972.

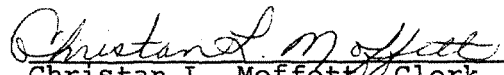
This Opinion constitutes the Board's findings of fact and conclusion of law.

ORDER

The Board hereby grants a variance to Deere & Company to allow the discharge of particulate matter from the John Deere Plow & Planter Works gray-iron foundry in excess of the limits prescribed by the existing rules and the Environmental Protection Act. This variance is granted to allow Deere & Company to acquire and install air pollution control equipment to meet the particulate discharge limitations. This variance shall extend until December 31, 1972 and is subject to the following conditions.

1. Deere & Company shall post with the Environmental Protection Agency on or before April 20, 1972 a bond or other adequate security in the amount of Twenty Thousand Dollars (\$20,000) and in such form as is satisfactory to the EPA, which sum shall be forfeited to the State of Illinois in the event the foundry shall be operated after December 31, 1972 without adequate air pollution control equipment.
2. Deere & Company shall not increase the intensity of its foundry emissions during the period of the variance.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the Board adopted the above Opinion and Order on the 28 day of March, 1972 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board

