

veyed to the "Castable" department. Material is then passed through two rotary dryers as needed. Material is then mixed and transported for shipment. Other materials from the grinding operation are diverted to the "Hendryx" Building, which is essentially a material handling facility. The final portion of ground material is diverted to either the sleeve press or fireplace brick facilities. Both of these operations entail drying and firing operations (via a kiln). A detailed flow sheet for the above operations has been submitted verbally in "Appendix A" to the Petition and schematically in Drawing #116F-7 appended to the Petition.

Emissions are generated at various points along the process. Transference and packaging operations give rise to fugitive dust problems, while dryers generate particulates. The kilns, due to the high operating temperature and composition of feed, emit SO₂ as a product of combustion.

The main emission sources at the facility are as follows:

Source	Estimated Emissions	Type Emissions	App. Rule	Allow.
Crush. Dept. Dryer	800-890#/hr.	Particulate	203 (a)	12.5#/hr.
Castable Dept. Dryers	600-700#/hr.	Particulate	203 (a)	4.14#/hr.
Crush. Dept. Dryer	SO ₂	4960 ppm	204(f)(1)(A)	2000 ppm

An initial hearing was held on August 13, 1974, at which time a tentative stipulation was entered into between the parties. This situation was, at a later date (10/30/74), followed with two joint stipulations which are at the heart of this matter, and will be discussed later in this Opinion.

At the August 13, 1974, hearing, Mr. Noell (plant manager) discussed the location and staffing of the plant. The facility has approximately 88 employees (R. 16) and is located on a 900-acre site which is relatively isolated from residential structures. Mr. R. Besalke (mgr. environmental control) appeared to briefly discuss Petitioner's attempts at compliance. One major point raised at this hearing is that by stipulation the variance request for Rule 203 (f) was withdrawn, as no evidence of fugitive dust violations were found or anticipated. The August 13 hearing was then adjourned to allow time for submittal of a new stipulation.

The second hearing was held on October 30, 1974, at which time new stipulations were presented. The highlights of said stipulations are as follows:

1. Continuing investigation of methods to control emissions has resulted in a new compliance plan.
2. The new compliance plan would, in the opinion of the parties, abate the particulate and SO₂ emissions.
3. The present drying operation in the grinding department will be discontinued.
4. A 100 ft. by 140 ft. structure shall be installed to eliminate the artificial drying method at a cost of \$95,000.

The parties agree that the above plan: will eliminate all slurry and water problems (which would be generated should a scrubber be used); will eliminate all SO₂ emissions; will conserve fuel for said dryer; and be technically superior.

The parties suggest compliance will be accomplished by April 1, 1975.

This plan also calls for the installation of a fabric collector to control emissions for the two rotary dryers in the castable building according to the following schedule:

Purchase and order of equipment	11/15/74
Erection contract	12/31/74
Delivery	4/15/75
Completion of installation	5/15/75
Compliance testing	5/30/75
Operational	5/30/75

A second stipulation cites conditions which would be acceptable should the Board grant variance.

To determine whether the Board should accept the above stipulation as the basis for a variance, we must explore environmental impact and hardship to Petitioner.

Environmental impact: As mentioned above, Petitioner's facility is located in a sparsely-populated area. The closest resident is 3/4 mile from the source, and the next closest resident is 1 1/2 miles from the source (R. 22). A major alleged source of particulate emission was shut down on April 11, 1974, when the Grundy facility ceased operation. Although there is no evidence as to actual emissions that emanated from this (Grundy) plant, Mr. Noell testified that by visual observation emissions were large (R. 20). Mr. Noells further testified that to his knowledge he knew of no citizen complaints regarding the facility (R. 20). It is the Board's feeling that the environmental impact of Petitioner's emissions would be minimal.

Hardship: Petitioner alleges that failure to receive a variance would result in a shutdown of Petitioner's facilities. The Board again reiterates its opinion that failure to grant variance is not a shutdown order, but rather a shield from prosecution. The hardship then is exposure to a threat of prosecution. Should Petitioner's facility be shut down, Petitioner alleges a potential loss of 88 jobs and loss of \$572,000 in com-

munity income. Although the hardship case is minimal, in light of the minor environmental damage and a viable compliance plan, the Board will grant variance.

The Board's variance will be specifically limited to those operations which are covered by compliance plans. We have no way of knowing whether a variance is required for Petitioner's kilns, nor were we presented with a compliance plan should such variance be needed.

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

ORDER

IT IS THE ORDER of the Pollution Control Board that:

1. Variance is granted from Rules 204(f)(1)(A), 202(b), and 203(a) as it applies to Petitioner's crushing house and grinding department until April 1, 1975.
2. Variance is granted from Rule 202(b) and 203(a) as it applies to Petitioner's castable building until May 30, 1975.

The above variances are conditioned on the following:

1. Within 50 days from the date of this Order, Petitioner shall post a performance bond with the Agency at 2200 Churchill Road, Springfield, Illinois, 62706, in the amount of \$10,000. Said bond shall guarantee installation of equipment as detailed in the November 30, 1974, Stipulation as agreed by both parties.
2. Petitioner shall submit bi-monthly progress reports to the Agency at the above address. Such reports shall contain as a minimum a summary of progress made towards installation of the six-bay storage shed and fabric filter collector, as well as copies of all documents, purchase orders, or agreements pertaining to this compliance plan.
3. In the event of unavoidable delay, Petitioner shall notify the Agency as soon as possible.

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 19th day of December, 1974, by a vote of 4 to 0.

Christan L. Moffett (gm)