

ILLINOIS POLLUTION CONTROL BOARD
March 9, 1995

IN THE MATTER OF:)
)
CO-PETITION OF SOLAR) AS 94-2
CORPORATION AND THE ILLINOIS) (Adjusted Standard - Air)
ENVIRONMENTAL PROTECTION)
AGENCY FOR AN ADJUSTED)
STANDARD FROM 35 ILL. ADM.)
CODE 218 SUBPART PP)

ORDER OF THE BOARD (by M. McFawn):

This matter is before the Board on several motions: a February 17, 1995 motion to modify proposed adjusted standard language filed by Solar Corporation (Solar), a February 22, 1995 motion for extension of time with supporting affidavit filed by the Illinois Environmental Protection Agency (Agency), and a joint motion for co-petitioner status filed February 28, 1995 on behalf of both Solar and the Agency.

In support of its motion to modify proposed adjusted standard language, Solar states that one of the adhesives for which Solar sought adjusted standard relief, Imperial Whisper Spray, contains as its solvent methylene chloride, which is excluded from the definition of VOM. On the belief that it does not need adjusted standard relief for its use of Imperial Whisper Spray, Solar seeks to amend the language of its petition for an adjusted standard, deleting the previous references to Imperial Whisper Spray or "specialty adhesive." Solar notes that it still seeks adjusted standard relief for its other adhesive, and "reserves" the right to seek further additional adjusted standard relief if it becomes necessary to reformulate the Imperial Whisper Spray to address either hazardous air pollutant standards or Occupational Health and Safety Administration issues.

This motion of February 17, 1995 is moot because the Board is granting the parties' motion for co-petitioner status and accepting the amended proposed adjusted standard language attached thereto.

In its motion for extension of time, the Agency seeks an extension until February 28, 1995 to file its response to Solar's adjusted standard petition. The Board previously granted the Agency an extension until February 22, 1995 to file its response. In support of the requested extension, the Agency states that, due to petitioner's filing of its motion to modify, the Agency needs the requested extension to adequately prepare its response.

The Agency's motion is granted, and the joint motion for co-petitioner status is accepted as a timely filing in lieu of an Agency recommendation.

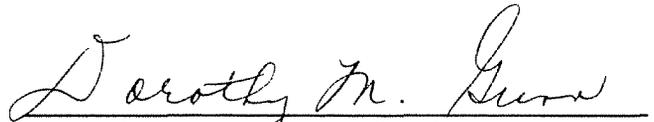
Finally, in the joint motion for co-petitioner status, the parties state that the Agency supports Solar's amended petition for an adjusted standard filed on January 3, 1995, with the amendments proposed by Solar on February 17, 1995, with certain additional amendments, and subject to certain provisos. The additional amendments would delete from Section 218.992(c) certain language proposed by Solar in its January 3, 1995 amended petition. This language referenced an equation in Section 218.206 for calculating emissions limitations.

The provisos are as follows: 1) Solar agrees to present further evidence at hearing regarding the testing and use of water-based solvents; 2) Solar agrees to present evidence of cost of annual retooling expenses for sonic welding; and 3) the Agency does not support Solar's request for leave to file an adjusted standard in the future if it becomes necessary to reformulate the Imperial Whisper Spray; the Agency asserts that a variance would be the appropriate avenue for relief.¹

The Board hereby grants Solar and the Agency joint petitioner status in this matter, and accepts the amended proposed language for adjusted standard contained in the February 28, 1995 joint motion.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 9th day of March 1995, by a vote of 4-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

¹ Any determination as to the appropriate relief to be granted in such a situation would be purely speculative, and the Board therefore declines to address this issue.