

ILLINOIS POLLUTION CONTROL BOARD  
July 18, 1996

|                                      |   |                              |
|--------------------------------------|---|------------------------------|
| REXAM MEDICAL PACKING, INC.          | ) |                              |
| (formerly DRG Medical Packing Inc.), | ) |                              |
|                                      | ) |                              |
| Petitioner,                          | ) | PCB 97-14                    |
|                                      | ) | (Provisional Variance - Air) |
| v.                                   | ) |                              |
|                                      | ) |                              |
| ILLINOIS ENVIRONMENTAL               | ) |                              |
| PROTECTION AGENCY,                   | ) |                              |
|                                      | ) |                              |
| Respondent.                          | ) |                              |

ORDER OF THE BOARD (by C.A. Manning):

Pursuant to Section 35(b) of the Environmental Protection Act (Act) (415 ILCS 5/35(b)), Rexam Medical Packing, Inc. (Rexam) has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow Rexam to continue operating its facility during testing of a catalytic oxidizer which is part of its pollution control system. Such request for a provisional variance and the notification of recommendation was filed with the Board by the Agency on Tuesday, July 16, 1996. Pursuant to Section 35(b) of the Act, the Board must issue the variance within two (2) days of this filing.

Specifically, the Agency recommends that we grant Rexam a 45-day provisional variance for its Lake County facility from the testing deadline as set forth in paragraph 3 of the Board's order in PCB 95-99 (October 19, 1995) for the period from June 16, 1996 to July 30, 1996.

The Agency's provisional variance recommendation states that Rexam operates a facility located at 1919 South Butterfield Road, Mundelein, Lake County, Illinois which manufactures sterilizable flexible packaging.

Upon receipt of the request, the Agency issued its recommendation, notifying the Board that due to unforeseen, temporary, and uncontrollable circumstances, failure to grant the requested 45-day provisional variance would impose an arbitrary or unreasonable hardship on the petitioner.

Provisional variances are by their very nature temporary. The responsibilities of the Agency and the Board in these short-term provisional variances are different from the responsibilities in standard variances. (See 415 ILCS 5/35(b) & 36(c).) In provisional variances it is the responsibility of the Agency to make the technical determinations and finding of arbitrary or unreasonable hardship. The Board's responsibility is to adopt a formal

order, to assure the formal maintenance of the record, to assure the enforceability of the variance, and to provide notification of the action by a press release.

Having received the Agency recommendation that a denial of the requested relief would impose an arbitrary or unreasonable hardship, the Board hereby grants the petitioner a provisional variance from the testing deadline set forth in paragraph 3 of the Board's order in PCB 95-99 (October 19, 1995) for the period from June 16, 1996 to July 30, 1996, subject to the following conditions:

1. The term of this provisional variance shall commence on June 16, 1996 and it shall expire on July 30, 1996;
2. Rexam shall complete test data collection by June 21, 1996;
3. Rexam shall obtain the testing results by July 15, 1996;
4. All testing results and a certification of compliance must be submitted to the Agency by July 30, 1996; and
5. Rexam shall continue to follow all other notification requirements as set forth in the Opinion and Order of the Board in PCB 95-99.

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 \_\_\_\_\_ day of \_\_\_\_\_, 1996, by a vote of

\_\_\_\_\_.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board