

ILLINOIS POLLUTION CONTROL BOARD
March 15, 2001

DAIMLERCHRYSLER,)	
)	
Petitioner,)	
)	
v.)	PCB 01-127
)	(Provisional Variance – Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On March 13, 2001, the Illinois Environmental Protection Agency (Agency) filed a request for a provisional variance and notification of recommendation. The Agency recommends that the Board grant a three-day provisional variance to DaimlerChrysler (petitioner) for its automotive assembly plant, located at 3000 Chrysler Drive, Belvidere, Boone County, Illinois. The requested variance is from petitioner's State operating permit for a new source performance standard, which includes permit conditions pertaining to a regenerative thermal oxidizer (RTO) that controls emissions from the Uni-prime electrocoat process. Specifically, the permit conditions from which petitioner is requesting a provisional variance are those monitoring and record keeping requirements in permit conditions 1d, 2a, 5a.ii, 5a.iii, 11, and 13a.iv through 13a.vi relating to emissions of volatile organic material (VOM).

In making its recommendation, the Agency states that failure to grant the requested provisional variance for three days will result in an arbitrary or unreasonable hardship on the petitioner. The RTO experienced a malfunction in the form of a catastrophic failure of the RTO exhaust fan, which pulls the VOM emissions from the Uni-prime coating line. The malfunction caused damage to the fan shaft and housing. Petitioner requested the provisional variance to operate its Belvidere plant without the Uni-prime RTO while the exhaust fan was repaired or replaced. The Agency recommendation reports that all repairs were completed and that it was notified of this fact by letter dated March 6, 2001.

The Board is required, in a provisional variance, to adopt a formal order, assure formal maintenance of the record, assure the enforceability of the variance, and provide notification of the action by press release. Pursuant to Section 35(b) of the Environmental Protection Act (415 ILCS 5/35(b) (1998)), the Board must issue the provisional variance within two days of the filing.

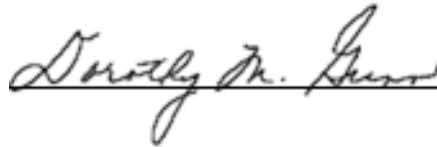
The Board grants the petitioner a provisional variance from the requirements in permit conditions 1d, 2a, 5a.ii, 5a.iii, 11, and 13a.iv through 13a.vi relating to emissions of VOM.

The variance period began February 15, 2001, and ended February 17, 2001.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.520, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 15th day of March 2001 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board