

ILLINOIS POLLUTION CONTROL BOARD
December 6, 1989

MEAD, PACKING DIVISION,)
)
) Petitioner,)
)
) v.) PCB 89-196
) (Provisional Variance)
)
) ILLINOIS ENVIRONMENTAL)
) PROTECTION AGENCY,)
)
) Respondent.)

OPINION AND ORDER OF THE BOARD (by J. Marlin):

This matter comes before the Board on the December 5, 1989 recommendation filed by the Illinois Environmental Protection Agency (Agency). The Agency recommends that the Board grant Mead a provisional variance from December 18, 1989 to January 31, 1990 from 35 Ill. Adm. Code 215.401, to the extent such a variance would allow Mead to operate without controls using coatings. The Agency maintains that Mead would suffer arbitrary and unreasonable hardship if denied this relief.

Mead operates a plant at Godfrey, in Madison County. The plant manufactures beverage and soap cartons. Mead has 706 tons of wax laminated board worth about \$530,000 in stock at its plant. Mead has been unsuccessful in its attempt to use complaint inks and varnishes on this material, because such materials produce a defective product. Mead has been unsuccessful in its attempt to return this material to its supplier, and shipment to another Mead location is cost prohibitive. Mead would use this material in production in eight production days in December and January if granted this provisional variance.

The Agency recommends that the Board grant the provisional variance with four conditions. The fourth condition is that Modern Foundry execute a certificate of acceptance. Although the Board does not normally require such certification for provisional variances, the Board includes this condition because the Agency has requested it. The Board has split a part of the fourth Agency-recommended condition into a fifth condition in its Order.

ORDER

The Board hereby grants Mead a provisional variance from 35 Ill. Adm. Code 215.401., subject to the following conditions:

1. This provisional variance applies only to the 706 tons of wax laminated board presently in its stock at its Godfrey plant. Mead shall not apply noncompliant inks and varnishes to any other materials.
2. Mead shall submit, within three days of the end of each calendar week, a written report of the amount of wax laminated board remaining in stock, the production days on which Mead printed wax laminated board, the amount of wax laminated board Mead printed, and the VOM emissions from printing wax laminated board.
3. Mead shall submit the written report required above to the Agency addressed as follows:

Regional Manager
Illinois Environmental Protection Agency
2009 Mall Street
Collinsville, IL 62234

4. Mead shall, within ten days of the date of this Order, execute and forward to

James J. O'Donnell
Enforcement Programs
Illinois Environmental Protection Agency
2200 Churchill Road
Post Office Box 12976
Springfield, IL 62794-9276

a certificate of acceptance in the following form:

CERTIFICATION

I, (We),
hereby accept and agree to be bound by all terms and conditions
of the Order of the Pollution Control Board in PCB 89-194,
December 6, 1989.

Petitioner

Authorized Agent

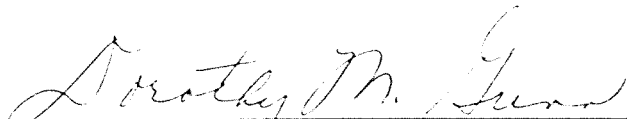
Title

Date

- 5. This provisional variance shall not become effective until after Mead has executed and forwarded the certificate of acceptance as required above.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 6th day of December, 1989, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board