

ILLINOIS POLLUTION CONTROL BOARD  
January 8, 1981

DIETZGEN CORPORATION, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 80-179  
 )  
 ILLINOIS ENVIRONMENTAL PROTECTION )  
 AGENCY, )  
 )  
 ) Respondent. )

OPINION AND ORDER OF THE BOARD (by I. Goodman):

On October 1, 1980 Dietzgen Corporation (Dietzgen) filed a petition for variance before the Board requesting relief from Rule 205(m)(1)(C)(i) of the Board's air pollution control regulations for its facility in Des Plaines, Illinois. No hearing has been held in this matter and the Board has received no public comment. On November 19, 1980 the Illinois Environmental Protection Agency (Agency) filed a motion for extension of time to file its variance recommendation. The Agency's motion is hereby granted.

Dietzgen owns and operates a facility which manufactures drafting films and vellums by applying a coat of solvent-containing resins onto either polyester films or vellums. The facility employs approximately 200 persons. Dietzgen seeks variance from the requirements of Rule 205(m)(1)(C)(i) of Chapter 2 which requires that a contract to purchase the required control equipment be entered into by July 1, 1980. No relief is sought from the emission limitation compliance date of October 1, 1982, nor from the interim site construction compliance date of July 1, 1982.

Variance is sought until January 15, 1982. Dietzgen wishes to test certain equipment on one of its coating lines to determine whether the same sort of equipment can be used elsewhere. Dietzgen proposes to test the equipment and to decide by January 15, 1982 whether it will enter into a contract for additional equipment or select another method of compliance. If additional control equipment is deemed necessary, Dietzgen proposes to order the equipment on or before January 15, 1982, to complete construction by March, 1982, and to be in compliance with the emission limitation by June, 1982.

In its recommendation the Agency agrees generally with the facts alleged in the petition but is of the opinion that the proposed delivery time of the equipment is optimistic, considering the fact that the number of orders for such equipment will increase

as the compliance date approaches. The Agency, therefore, recommends variance be granted but suggests modified interim dates in Petitioner's compliance plan.

The Board finds that it would be an arbitrary and unreasonable hardship to deny Dietzgen time to evaluate its proposed control equipment. This is especially true in light of the fact that the compliance date for the emission limitation will remain the same if variance is granted. With respect to the compliance schedule, the Board will allow Deitzgen the schedule that it proposes, but will order Dietzgen to provide proof to the Agency that its bid letting process will be completed as scheduled and that the manufacturer/s of the selected control equipment will guarantee delivery in time for Dietzgen to meet the emission limitation compliance date. The Board directs Dietzgen's attention to Paragraphs 22, 23, 24 and 25 of the Agency's recommendation concerning compliance with Rule 205(n)(3) and Rule 205(n)(4).

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

ORDER

1. Dietzgen Corporation is hereby granted variance from Rule 205(m)(1)(C)(i) of Chapter 2, the Board's Air Pollution Control Rules and Regulations, for its facility in Des Plaines, Illinois until January 15, 1982 under the following conditions:

a. Dietzgen Corporation shall, on or before December 1, 1981, provide the Illinois Environmental Protection Agency with reasonable assurances that, should the decision to add control equipment be made, Dietzgen can complete the bid letting process and will receive delivery of the ordered control equipment so as to guarantee compliance by July 1, 1982.

b. Beginning on March 1, 1981, Deitzgen shall file with the Illinois Environmental Protection Agency a status report every second month until compliance is achieved. These reports shall be sent to: (1) Mr. Francis Gehrt, Enforcement Programs, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706, and (2) Ms. Jeane Damlos, Division of Air Pollution Contro, Illinois Environmental Protection Agency, 1701 South 1st Avenue, Maywood, Illinois 60153.

c. Within 45 days of the date of this Order, Dietzgen Corporation shall execute and forward to the Illinois Environmental Protection Agency, Variance Unit, 2200 Churchill Road, Springfield, Illinois 62706, an executed Certification of acceptance and agreement to be bound by all conditions of this variance. The forty-five day period shall be stayed if Dietzgen Corporation seeks judicial review of this variance pursuant to Section 41 of the Environmental Protection Act. The form of said Certification shall be as follows:

CERTIFICATION

I, (We,) \_\_\_\_\_ having read the Order of the Illinois Pollution Control Board in PCB 80-179, dated \_\_\_\_\_, understand and accept the Order and agree to be bound by all of its terms and conditions.

\_\_\_\_\_, Petitioner

\_\_\_\_\_, Authorized Agent

\_\_\_\_\_, Title

\_\_\_\_\_, Date

2. The Board shall retain jurisdiction in this matter.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 8<sup>th</sup> day of January, 1981 by a vote of 20.

Christan L. Moffett  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board