

ILLINOIS POLLUTION CONTROL BOARD
January 18, 1979

BODINE ELECTRIC COMPANY)
)
 Petitioner,)
)
 v.) PCB 78-248
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Dumelle):

Petitioner is seeking a variance from the requirements of Rule 205(f) of the Board's Air Pollution Control Regulations. On June 21, 1978 the Agency denied Petitioner an operating permit because an enamel spray paint booth would emit organic material at a rate of 14.78 pounds per hour. Rule 205(f) allows only eight pounds per hour. Petitioner is attempting to convert to a finish spray enamel whose volatile constituents are photochemically non-reactive in order to qualify for the exception to Rule 205(f) when no odor nuisance exists. Petitioner plans on gradually phasing in the new enamel until May 16, 1979 and then using it exclusively.

The Agency has recommended that the variance be granted. After reviewing the requirements of Section 113(d) of the Clean Air Act the Agency has concluded that Petitioner may be eligible for a delayed compliance order. As a condition to the variance the Agency has asked that Petitioner be required to pay a bond to assure timely compliance. No hearing was held.

The Board concludes that Petitioner's compliance program is reasonable. No performance bond will be required since no constuction work is required. Since the variance will run during a time of the year when minimal ozone formation is expected, little, if any, adverse environmental impact is expected from this relief. When this negligible harm is coupled with the alternative of an interruption in Petitioner's operations, it becomes apparent that Petitioner would suffer an arbitrary or unreasonable hardship if this variance were denied.

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

ORDER

It is the Order of the Pollution Control Board that Petitioner be granted a variance from Rule 205(f) of the Board's Air Pollution Control Regulations until May 16, 1979 subject to the following conditions:

- 1) Within 35 days of the date of this Order Petitioner shall apply to the Agency for all necessary operating permits.
- 2) Within 35 days of the date of this Order, and on a quarterly basis thereafter, Petitioner shall submit written reports to the Agency detailing all progress made toward compliance with Rule 205(f) of the Board's Air Pollution Control Regulations. These reports shall be submitted to:

Illinois Environmental Protection Agency
Division of Air Pollution Control
Control Program Coordinator
2200 Churchill Road
Springfield, Illinois 62706

- 3) Within 45 days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Division of Air Pollution Control, Control Program Coordinator, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This 45 day period shall be held in abeyance while this matter is appealed. The form of the Certificate shall be as follows:

CERTIFICATION

I (we), _____ having read and fully understanding the Order in PCB78-248 hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED

TITLE

DATE

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 18th day of January, 1979 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board