

ILLINOIS POLLUTION CONTROL BOARD

November 4, 1999

SOLAR COMMUNICATIONS,)
)
 Petitioner,)
)
 v.) PCB 00-79
) (Provisional Variance - Air)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)
)

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

On November 2, 1999, 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 seven-day provisional variance. The provisional variance would allow the petitioner's DuPage County facility to continue flexographic printing production while the catalysts within petitioner's existing catalytic afterburner are being serviced. In making its recommendation, the Agency states that failure to grant the requested provisional variance for seven days will result in an arbitrary or unreasonable hardship on the petitioner.

The Board grants the petitioner a provisional variance from 35 Ill. Adm. Code 218.401(c)(6), which requires the operation of catalytic afterburner at all times when the flexographic printing line is in operation. 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 (Act) (415 ILCS 5/35(b) (1998)), the Board must issue the provisional variance within two days of the filing.

The provisional variance shall begin on November 1, 1999, and end no later than December 15, 1999, subject to the following conditions:

1. The duration of the provisional variance is for seven continuous days, commencing no sooner than November 1, 1999, and expiring no later than December 15, 1999. Petitioner's afterburner shall be shut down for no longer than seven continuous days during this period;
2. When the afterburner is returned to operation, following servicing it, it must be maintained and operated according to manufacturer's specifications and all applicable regulatory and permit requirements;

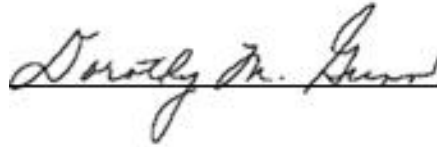
3. Petitioner's printing lines shall operate for no more than five of the seven continuous calendar days the afterburner is shut down; and
4. Petitioner shall notify the Agency when its afterburner is shut down by calling Shannon Bilbruck, Division of Legal Counsel at 217/782-5544, and shall notify the Agency in the same manner when the afterburner is again fully operational. Written notification of the shutdown and startup of the afterburner shall also be sent to:

Illinois Environmental Protection Agency
Bureau of Air
Compliance Unit
P.O. Box 19276
Springfield, IL 62794-9276

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 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 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 4th day of November 1999 by a vote of 6-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board