

ILLINOIS POLLUTION CONTROL BOARD
May 6, 1976

HOLLYWOOD BRANDS,)	
)	
Petitioner,)	
)	
v.)	PCB 76-121
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by Mr. Zeitlin):

The Petition for Variance in this matter states, in part, that, "[a]chieving compliance is not and has not been the problem. . . ." Petitioner states that it is capable of immediate compliance with the requirements in Rule 204 of Chapter 2: Air Pollution, from which a Variance is sought, but it nonetheless seeks a five-year Variance for purely economic reasons. This is insufficient hardship to support the grant of a Variance.

In the first two cases decided by this Board, Swords v. EPA, PCB 70-6, 1 PCB 5 (1970), and EPA v. Lindgren Foundry Co., PCB 70-1, 1 PCB 11 (1970), we held that the concept of "arbitrary and unreasonable hardship" under the Environmental Protection Act does not include a situation where compliance is merely more expensive than non-compliance with the applicable Regulations. That being the only "hardship" claimed by Petitioner, the Petition does not allege sufficient hardship to support the grant of a Variance.

The Petitioner also cites in the Petition the ambient air quality in the relevant area. That fact alone cannot grant a Variance. The Board has previously held that such a justification would be tantamount to abandonment of the emission standards. Illinois Power Co. v. Environmental Protection Agency, PCB 72-190, 6 PCB 17 (1972).

In light of the above, the Petition in this matter is inadequate and must be dismissed.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 6th day of May, 1976, by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board