

ILLINOIS POLLUTION CONTROL BOARD  
January 8, 1976

TRILLA COOPERAGE, INC., )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 75-414  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Respondent. )

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

This matter comes before the Board on a Variance Petition filed by Petitioner Trilla Cooperage, Inc., (Trilla), on October 23, 1975. The Recommendation of the Environmental Protection Agency, (Agency), was filed on December 19, 1975. No hearing was held in this matter.

Trilla seeks a Variance from a portion of an earlier Board Order concerning its drum reconditioning facility at 3201 S. Millard, in Chicago. In its Order in EPA v. Trilla Cooperage, PCB 72-309, 12 PCB 181 (1974), wherein Trilla was found to be in violation of Section 9(a) of the Environmental Protection Act, Ill. Rev. Stat. Ch. 111-1/2, §1009(a), the Board provided that,

". . . Respondent, Trilla Cooperage, Inc., shall:

1. Within 60 days of the date of this Order file with the Agency a statement detailing the abatement procedures it intends to implement in order to achieve compliance with the Act within one year. Respondent shall obtain all necessary permits pursuant thereto.

2. [\$1,500 penalty imposed] . . . ."

Trilla now seeks an additional 120 days from the date of any Order entered in the instant case to file the compliance plan required by Order No. 1 in PCB 72-309.

To justify the requested Variance, Trilla lists a series of actions which it has taken to achieve substantive compliance with the Act and the Air Pollution Regulations, and states that,

"While the aforesaid is not intended to expiate Part I of the Board's Order, it is presented to show the good faith exercised by the petitioner. The fact that the petitioner never filed a compliance plan was a mere oversight and should be excused in light of other efforts to achieve substantial compliance with the requirements of Part I of the Board's Order PCB 72-309 . . . ."

Trilla states that it believes it is now in compliance with Section 9(a) of the Act and Rule 205(f) of the Board's Air Pollution Regulations. PCB Regs., Ch. 2: Air Pollution, Rule 205(f).

In its Recommendation the Agency disagrees, and states that it is "of the opinion that the steps taken by Petitioner have not brought the facility into compliance." The Agency points out that Petitioner has already had nineteen months to develop a compliance plan, and asks that the Petition be denied.

We agree with the Agency, and shall dismiss the Petition. Trilla has not shown any hardship which would result from a denial of the Variance. The Petition does not sufficiently show that the grant of additional time for the filing of a compliance plan will not adversely affect either the environment or the residents surrounding the drum reconditioning plant. The testimony of various residents in PCB 72-309 is summarized in our earlier Opinion, and indicates that a serious problem existed near Trilla's plant; the Petition fails to adequately show that the conditions described there do not still exist.

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

ORDER

IT IS THE ORDER OF THE POLLUTION CONTROL BOARD that the Petition for Variance in this matter be dismissed without prejudice.

Dr. Donald Satchell abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Final Opinion and Order were adopted on the 8<sup>th</sup> day of January, 1976 by a vote of 4-0 .

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board