

ILLINOIS POLLUTION CONTROL BOARD
January 29, 1976

ARVEY CORPORATION,)
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 Petitioner,)
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 v.) PCB 75-226
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 ENVIRONMENTAL PROTECTION AGENCY,)
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)
 Respondent.)

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

This matter comes before the Board on an Amended Petition for Variance by Arvey Corporation, located at 3500 North Kimball Avenue, Chicago, Illinois. Relief is requested from Rule 205(f) of the Board's Air Rules pertaining to the emission of photochemically reactive materials. Petitioner utilizes solvents and castings in its laminating process. Some of these solvents and coatings cause emissions of organic material which exceed the 8 pound per hour limit of Rule 205(f). The proposed compliance program is the reformulation of solvents containing toluol to "exempt" solvents.

Petitioner's use of the term "exempt solvent" is confusing. The term "exempt" would normally refer to solvents containing less than 5% alcohols and/or hetones, or as otherwise provided for in the definition of Photochemically Reactive Material in Air Rule 201. However, no evidence is given to warrant such an exemption. "Exemption" could also apply to Air Rule 205(f)(2)(D). However, no evidence is given to show that petitioner's reformulations would reduce the percentage of organic material used to 20% or less of the total volume.

The only other way for petitioner to come into compliance with Air Rule 205(f) would be to reduce its discharges of organic material to 8 pounds per hour or less. Again, Petitioner has not shown that such reduction would result from its present and planned reformulations. Each of the eight laminating machines now emit 39,375 lbs/hr. of photochemically reactive solvents.

Petitioner has failed to present facts necessary for the Board to determine whether the use of reformulations would ultimately result in compliance with the Air Rules. Without such evidence, no variance will be granted.

Further, petitioner admits, on page 4 of its Amended Petition, that it has not looked into the installation of control devices for individual emission sources. Past studies "were on an overall basis."

Therefore, petitioner has failed to show either that reformulation would result in compliance or that the installation of control devices would work an unreasonable hardship. Petitioner also fails to provide alternate compliance programs in case the reformulations are later found to be unacceptable.

The Board must therefore dismiss the instant petition. Due to the above stated inadequacies it has not been necessary to discuss the ambient air quality effects which might result from these emissions.

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

ORDER

The Arvey Corporation's Amended Petition for Variance is hereby dismissed without prejudice.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 29th day of January, 1976 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board