

ILLINOIS POLLUTION CONTROL BOARD  
June 26, 1975

ALL-STEEL, INC., )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 75-67  
 )  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Respondent. )

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

This action involves a variance request filed on February 13, 1975, by All-Steel, Inc. Relief is sought from Rule 205(f) of Chapter 2: Air Pollution Regulations to allow operation of Petitioner's paint spray operation. All-Steel owns and operates in Montgomery, Illinois, a facility for the manufacture of office equipment. The operation in question involves six painting lines. Written waivers were filed by All-Steel on May 6, and June 17, 1975, extending the 90-day statutory period for decision in this case until June 27, 1975.

On February 21, 1974 we granted All-Steel a previous variance for this operation until February 21, 1975. (All-Steel Equipment Company v. EPA, PCB 73-544, 11 PCB 349). That variance was granted on the conditions that All-Steel investigate alternate technology and utilize as much exempt solvent formulations as could be furnished. On March 25, 1975 the Agency filed a Recommendation to deny the new variance request on the basis that if All-Steel was still unable to obtain adequate supplies of exempt solvents it is now time to develop an alternate control system.

A public hearing was held in Aurora on April 17, 1975. At the hearing All-Steel indicated that it was now obtaining only exempt paints and solvents, but needed the variance to enable it to deplete its inventory of approximately 38,000 gallons of non-exempt solvents (R. 5, 15). All-Steel's process engineer indicated that this inventory could be depleted to 1,430 gallons within twenty weeks following a

current strike at Petitioner's plant, after which time usage could be so low as to be within compliance of the regulations (R. 5, Ex. 20). A Supplement to Petition for Variance, filed May 13, 1975, reiterating this schedule and indicating that the strike was settled that week, reduced the requested time for variance from February 21, 1976 to December 31, 1975.

Since the United States Supreme Court rendered its opinion in Train v. NRDC on April 16, 1975 (43 LW 4467), in order to grant a variance beyond July 31, 1975, we have required evidence that the variance would not interfere with attainment and maintenance of national air quality standards. The Agency pointed out, in both its original Recommendation and an Amended Recommendation, filed May 20, 1975, that All-Steel's facility is the leading source of hydrocarbon emissions in Kane County. The Agency therefore assumed a variance would lead to a violation of ambient air quality standards. The record in the instant case is insufficient to determine the validity of the Agency assumption or to allow All-Steel's variance petition. There are no data bearing on the quality of the ambient air affected by Petitioner's emissions in this record. Therefore, we must dismiss the petition without prejudice. We note also that this is consistent with our grant of a variance in the previous All-Steel case, PCB 73-544, in which we indicated that more detailed environmental impact data would be required if a future variance were requested (11 PCB at 352).

If All-Steel chooses to submit a new petition for variance, such petition must address the air quality issue. The entire record in the instant matter may be incorporated by reference in any such future petition.

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

ORDER

All-Steel's petition for variance from Rule 205(f) of Chapter 2: Air Pollution Regulations is 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 26<sup>th</sup> day of June, 1975 by a vote of 4-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board