ILLINOIS POLLUTION CONTROL BOARD February 27, 1975

AURORA STEEL PRODUCTS, DIVISION OF HUPP, INC., Petitioner,))	
٧.)))	PCB 74-323
ENVIRONMENTAL PROTECTION AGENCY, Respondent.)	

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

This petition for variance was filed on September 6, 1974. Petitioner, Aurora Steel Products (Aurora) operates a facility in Aurora, which manufactures steel lockers, cabinets and shelving. These products are painted at petitioner's plant. Aurora seeks a variance from Rule 205(f) of the Air Pollution Regulations until such time as it can obtain sufficient quantities of exempt paint solvents or until it is able to construct a new facility which utilizes water base paints.

A hearing in this matter was held on January 17, 1975. Petitioner's witness explained that as a result of allocation restrictions, one of their three suppliers, Glidden-Durkee (Glidden) had been unable to supply them with exempt paint. Aurora admitted that the other two could have met their total need, but was hesitant to rely only on these small suppliers and to cut off Glidden as a source. Aurora claimed that Glidden had verbally indicated that exempt paint would soon be available. In a letter received January 22, 1975 and made a part of the record as Petitioner's exhibit 4 by stipulation of the parties, Glidden informed Aurora that it could now supply exempt solvent paint formulations as soon as Aurora's present inventory was depleted. Since the record indicates that Aurora maintains approximately a six week inventory, we feel that a variance granted until March 15, 1975 should be sufficient to achieve compliance with Rule 205(f). The Agency had no objection to granting a variance through an inventory change-over period. In granting this variance until this date, we do not wish to imply that a petitioner may not be required to find alternative suppliers or absorb the loss of non-exempt material in order to achieve compliance with the pertinent section of a regulation. this instance, however, compliance is imminent. We also note that the time frame involved does not conflict with the

higher summer ozone levels such as necessitated our decision in Clean Air Coordinating Committee v. EPA, PCB 74-284.

Petitioner fears future supply restrictions and consequently seeks a continuance of the variance until a new facility capable of utilizing water base paints is available. It would be inappropriate for the Board to grant such contingent variances for a facility which is currently in compliance with all regulations. If Aurora has future difficulties obtaining exempt solvents and paints, it will be necessary for them at that time to enter a new petition for variance which would be judged on its own merits. The Board at this time cannot foresee all the considerations which would be relevant to such a request.

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

ORDER

It is the Order of the Pollution Control Board that petitioner, Aurora Steel Products, Division of Hupp, Inc., be granted a variance from Rule 205(f) of the Air Pollution Regulations from September 6, 1974 until March 15, 1975.

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 27^{+n} day of February, 1975 by a vote of 4-D.

Illinois Pollution Control Board