

ILLINOIS POLLUTION CONTROL BOARD

August 8, 1974

THE MEYERCORD COMPANY, )  
 Petitioner, )  
 v. ) PCB 74-184  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 Respondent. )

OPINION AND ORDER OF THE BOARD (by Dr. Odell)

Petitioner, which operates a facility engaged in the business of printing government tax stamps, filed on May 20, 1974, a Variance request from Rule 205(f) of the Air Pollution Regulations (Chapter Two). Petitioner is located in a strictly industrial area of Carol Stream, Illinois. Meyercord requested a one-year Variance to enable it to switch from photochemically reactive solvent systems to photochemically non-reactive solvent systems. Industry-wide shortages of exempt solvents was alleged as the cause for delayed compliance. Petitioner did not indicate whether alternative methods had been investigated to achieve compliance with Rule 205(f) of Chapter Two. Petitioner alleged that failure to grant the Variance would mean curtailment of plant operations and thus "jeopardize the employment of 535 plant and sales personnel."

Rule 205(f) of Chapter Two limits the discharge of any organic material into the atmosphere to no more than 8 pounds per hour from any single emission source. The amounts of photochemically reactive solvents presently discharged by Meyercord are:

	<u>Per Press</u> <u>lbs/hr</u>	<u>Total</u> <u>lbs/hr</u>
Roto Press (Vent A)	11.6	-
Roto Press (Stack B)	11.6	23.2
Barta Press (Stack H)	20.1	20.1
2 Barta Presses (Stack I)	20.1	40.2
General Press #6 (Stack P)	22.1	22.1
General Press - Jumbo (Stack Q)	<u>80.2</u>	<u>80.2</u>
Total	-	185.8

The Environmental Protection Agency (EPA) filed a Motion to Consolidate this action with PCB 74-220 (The Meyercord Company v. Environmental Protection Agency) on July 18, 1974. This was denied by Board Order on July 25, 1974. The EPA filed its Recommendation in this case on July 30, 1974. EPA recommended that the Variance be denied or, in the alternative, be granted only for six months and be subject to certain reporting and planning conditions. EPA admitted that there were no citizen objections to the Variance grant but agreed for Variance denial in that:

1. Petitioner did not give any evidence or support for its allegation that it is financially incapable of installing such equipment.

2. Petitioner applied for neither an operating permit nor a Variance until May 1974, five months after Rule 205(f) became effective.

We are unable to find in Meyercord's petition any allegation that Petitioner is financially incapable of installing alternative equipment. There is no information in Petitioner's Variance request suggesting that alternative means of compliance with Rule 205(f) have been investigated. The second argument of EPA has some merit. Failure to apply for a permit until May 1974 may be some evidence that Petitioner lacks good faith in seeking a variance at this time. However, we have no evidence that Petitioner needed a Variance before its May 1974 application. Also, a Variance cannot be denied because of a possible past violation of the law.

We grant Meyercord a variance until November 1974. We generally agree with the Agency that the Petition does not fully comply with Rule 401 of our Procedural Rules. The lack of any investigation into alternative methods of control is particularly troublesome. However, there is no citizen objection, and the Board is aware of the shortages of exempt solvents in the industry. On these facts, it would be an unreasonable hardship to deny Meyercord this brief reprieve.

#### ORDER

Petitioner is granted a variance from Rule 205(f) of Chapter Two until November 1, 1974, subject to the following conditions:

- (a) Petitioner shall utilize as much exempt solvent formulations as can be furnished by its suppliers.
- (b) Petitioner shall submit reports for the months of August, September and October to:

Environmental Protection Agency  
Division of Air Pollution Control  
Control Program Coordinator  
2200 Churchill Road  
Springfield, Illinois 62706

The monthly reports should include the total amount of solvents used, the nature and amount of non-exempt solvents used, the nature and amount of exempt solvents used, the amount and nature of exempt solvents purchased (indicating the supplier), the amount and nature of non-exempt solvents purchased (indicating the supplier), and the amount and nature of solvents in inventory at the beginning of each month.

- (c) Within 2 months from the date of this Board Order, Petitioner shall submit to the Agency a modified compliance plan to replace that which has been nullified by shortages. This plan may:
- i. Achieve compliance at the expiration of the Variance by replacement of photochemically reactive solvents with non-reactive solvents demonstrated to be readily available; or
  - ii. Achieve compliance at the expiration of the Variance by qualification under the Alternative Standard of Rule 205(f) (1); or
  - iii. Achieve compliance by May 30, 1975 under the provisions of Rule 205(f) (2) (D).

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 8<sup>th</sup> day of August, 1974, by a vote of 4 to 0.

  
Christan L. Moffett