

ILLINOIS POLLUTION CONTROL BOARD

November 4, 1999

POLYFOAM PACKERS CORPORATION,)
)
 Petitioner,)
)
 v.) PCB 00-80
) (Provisional Variance - Air)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by C.A. Manning):

On November 2, 1999, the Illinois Environmental Protection Agency (Agency) filed a request for provisional variance and notification of recommendation. The Agency recommends that the Board grant a ten-day provisional variance. The provisional variance would allow the petitioner's Lake County facility to continue to operate while repairs are made to its catalytic oxidizer emission control unit. In making its recommendation, the Agency states that failure to grant the requested provisional variance for ten days will result in an arbitrary or unreasonable hardship on the petitioner.

The Board grants the petitioner a provisional variance from the requirement for emissions capture and control techniques that achieve overall reduction in uncontrolled volatile organic material (VOM) emissions of at least 81% from each emission unit; these requirements are found in 35 Ill. Adm. Code Part 218.926(a) and conditions 7.1.3(b) and 7.1.6 of petitioner's Clean Air Act Permit Program permit. The Board is required, in a provisional variance, to adopt a formal order, assure formal maintenance of the record, assure the enforceability of the variance, and provide notification of the action by press release. Pursuant to Section 35(b) of the Environmental Protection Act (415 ILCS 5/35(b) (1998)), the Board must issue the provisional variance within two days of the filing.

The Board hereby grants the petitioner a provisional variance beginning on a date between November 1, 1999 and December 15, 1999, subject to the following conditions:

1. The term of this provisional variance is for ten consecutive days, to commence no sooner than November 1, 1999, and expire no later than December 15, 1999;
2. Petitioner's VOM emissions shall not exceed 1.43 tons per day during the ten-day period;
3. Petitioner's annual permitted VOM emission limitation of 95 tons shall not be exceeded;

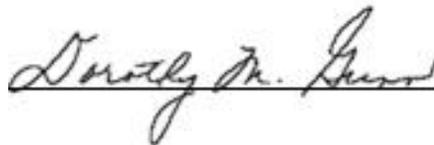
4. Petitioner shall contact Shannon Bilbruck of the Agency at 217/782-5544 when the catalytic oxidizer is shut down and again when it is back in operation;
5. Petitioner shall conduct a performance test within 30 days after all repairs and upgrades are completed to show that the control system's efficiency has remained the same or improved due to the proposed upgrade process;
6. The Agency shall be notified at least five days prior to the performance test of the exact date and time the test will be conducted; and
7. The performance test notification identified above and the results of the performance test shall be submitted to:

Illinois Environmental Protection Agency
Bureau of Air
Compliance Unit
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 4th day of November 1999 by a vote of 6-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above the printed name and title.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board