

ILLINOIS POLLUTION CONTROL BOARD
October 9, 1975

AMERICAN CAN COMPANY,)
Petitioner,)
)
v.) PCB 75-311
)
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

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

This matter comes before the Pollution Control Board (Board) upon the July 18, 1975, Petition of American Can Company (American). American seeks variance from the Board Order entered in PCB 73-515, February 27, 1975, concerning a schedule for upgrading seventeen ovens for drying organic films applied by rolling-coater to sheets of tinfoil. No Environmental Protection Agency (Agency) recommendation was filed.

The Petitioner seeks to modify a settlement between itself and the Agency whereby the manufacturing process was to be converted to use water-base varnish and coating by May 30, 1975. Petitioner states that as of May 30, 1975, all but three of the coaters and three of the varnish units had been converted to the use of water-base varnish or coating. The delay in conversion of these final six units is the result of unforeseen technical difficulties. Therefore American seeks to convert to the use of Rule 66 or non-photochemically reactive materials while continuing developmental work in order to comply with the Board's Order of February 27, 1975.

It appears to the Board that American is pursuing compliance with the previous Board Order in good faith. The Board takes notice of the problems inherent in attempting to convert to water-base varnish or coatings. However, the Petitioner seeks variance from the Board Order for an indefinite period of time and, in addition, fails to specify the non-photochemically reactive materials it intends to use.

Therefore the Board will grant American's petition for a two-year period upon the condition that American file a list, with the Board and the Agency, of the Rule 66 or non-photochemically reactive materials it will utilize while developing a means of compliance with the Board Order in PCB 73-515.

This Opinion constitutes the findings of fact and conclusions of law of the Board in this matter.

ORDER

It is the Order of the Pollution Control Board that:

1. American Can Company is granted a two-year variance from the Board Order in PCB 73-515 relating to conversion of its ovens to use of water-base varnish or coating by May 30, 1975; and

2. American Can Company shall file with the Board and the Agency, within 35 days of this Order, a complete list of the photochemically non-reactive materials it intends to use on the six non-conforming lines during the time of this variance; and

3. American Can Company shall file monthly reports with the Board and the Agency concerning the progress it is making toward compliance with the February 27, 1975 Order of the Board in PCB 73-515, and the type and amount of materials used on the six non-conforming lines; and

4. Within 30 days of the adoption of this Order, the Petitioner shall execute and forward to both the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 and the Pollution Control Board a Certification of Acceptance and agreement to be bound to all terms and conditions of this Order. The form of said certification shall be as follows:

CERTIFICATION

I (We), _____ having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 75-311 hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

Signed _____

Title _____

Date _____

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 9th day of October, 1975 by a vote of 4-0.


Christan L. Moffett, Clerk