

ILLINOIS POLLUTION CONTROL BOARD
May 15, 1997

THE D.B. HESS COMPANY, INC.,)	
)	
Petitioner,)	
)	PCB 96-194
v.)	(Variance - Air)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by M. McFawn):

This matter comes before the Board on the April 28, 1997 joint motion to clarify the Board order dated March 20, 1997 filed by The D.B. Hess Company, Inc. (DB Hess) and the Illinois Environmental Protection Agency (Agency). In their motion to clarify the March 20, 1997 Board order, D.B. Hess and the Agency request that paragraphs three and four of the March 20, 1997 Board order be combined to accurately reflect the purpose and requirements of 35 Ill. Adm. Code 218.407(a) (the Lithography Rule).

On March 15, 1996, as amended on August 1, 1996, D.B. Hess filed a petition for variance. In its petition, D.B. Hess sought relief from various provisions of 35 Ill. Adm. Code 218.407(a) and 218.411(b) as they relate to emissions of volatile organic material (VOM) from its lithographic printing operations located in Woodstock, McHenry County, Illinois. This relief was requested in lieu of purchasing, installing and maintaining an afterburner for three older presses which it intends to shut down on or before March 30, 1999. On March 20, 1997, the Board granted D.B. Hess' petition for variance subject to the conditions set forth in the Board order.

The Board's March 20, 1997 order was based on pleadings which were somewhat unclear. Based on the additional clarifying information contained in the joint motion, the Board hereby grants the joint motion to clarify the Board order dated March 20, 1997. For the recordkeeping convenience of the parties, the order as adopted on March 20, 1997 and clarified today is set forth below in its entirety.

ORDER

The D.B. Hess Company, Inc. is hereby granted a variance from 35 Ill. Adm. Code 218.407(a)(1)(C), (D), (E) and 218.411(b)(1),(2), (3) for one ATF and two Harris heatset web offset lithographic presses, identified as presses 3, 4, and 5, at its facility located at 1530 McConnell Road, Woodstock, McHenry County, Illinois, subject to the conditions outlined below.

1. Variance term. The variance begins on March 20, 1997 and terminates when presses 3, 4 and 5 have ceased operation, or have been replaced or retrofitted with control equipment, which has been tested and compliance with all applicable rules has been demonstrated to the Agency. This variance shall terminate no later than March 30, 1999.
2. On or before March 20, 1997 the combined VOM emissions from all of petitioner's presses at the Woodstock plant in operation shall not exceed 18 TPY or 1.5 tons per month.
3. On or before March 20, 1997, petitioner shall use only cleaning solution that does not exceed 30% VOM by weight at the Woodstock plant or petitioner shall use cleaning solutions on presses 3, 4, and 5 that have a VOM composite partial vapor pressure of less than 10 mm Hg at 20 degrees Celsius, and the new cleaning solutions shall comply with 35 Ill. Adm. Code 218.407(a)(4).
4. On or before March 20, 1997, petitioner shall store and dispose of all cleaning towels in closed containers.
5. On or before May 5, 1997, petitioner shall use fountain solutions on presses 3, 4, and 5 that are less than 5% VOM by volume, as applied, and which contain no alcohol.
6. On or before May 5, 1997, petitioner shall monitor presses 3, 4, and 5 pursuant to 35 Ill. Adm. Code 218.410(b), (c), (e).
7. On or before May 5, 1997, petitioner shall prepare and maintain records pursuant to 35 Ill. Adm. Code 218.411(b), (c), (d) for presses 3, 4, and 5 to show compliance with the requirements of 35 Ill. Adm. Code 218.407(a)(1)(C), (D), (E) and 218.411(b)(1), (2), (3).
8. On or before May 5, 1997, petitioner shall submit quarterly reports to the Illinois Environmental Protection Agency's Compliance and Systems Management Section, as identified in Number 13 of this order, demonstrating compliance with the terms of the Board order.
9. On or before March 30, 1998, petitioner shall cease operation of press 3.
10. On or before March 30, 1999, petitioner shall either:
 - A. Cease operation of presses 4 and 5, and notify the Illinois Environmental Protection Agency of such cessation; or
 - B. Retrofit presses 4 and 5 or replace presses 4 and 5 in compliance with 35 Ill. Adm. Code 218.407(a)(1)(C), (D), (E) and 218.411.(b)(1), (2), (3), in which case:
 - (1) Petitioner shall apply for and obtain necessary construction permits by March 30, 1998, or six months before retrofitting or replacing presses 4 and 5, whichever is earlier.

(2) Petitioner shall send monthly status reports, due on the 15th day of the month after the prior month's status report, to the Illinois Environmental Protection Agency at the address identified in Number 13 of this order, on the progress of the installation of the presses and control equipment and testing of the control equipment, with the following information:

- (a) Dates construction will commence and be completed;
- (b) Test results; and
- (c) Any relevant correspondence from the control equipment manufacturer or the construction company regarding the status of installation/construction (i.e., unexpected delay, installation/construction on schedule, completion ahead of schedule).

12. On or before March 30, 1999, petitioner shall cease operations at presses 3, 4, and 5 except for those it has applied for and obtained permits, retrofitted presses and installed controls, which have been tested and demonstrated to be in compliance with applicable rules by March 30, 1999.

13. All notifications to the Illinois Environmental Protection Agency required hereunder shall be sent to:

David J. Kolaz, P.E., Manager, Compliance & Systems Management Section,
Division of Air Pollution Control, P.O. Box 19276, Springfield, Illinois 62794-
9276

Within 45 days of the date of this order, or on or before June 30, 1997, petitioner shall certify that it accepts the terms of the variance by executing and forwarding to Christina Archer, Division of Legal Counsel, Illinois Environmental Protection Agency, P.O. Box 19276, 2200 Churchill Road, Springfield, Illinois 62794-9276, a certificate of acceptance and agreement to be bound by all of the terms and conditions of the granted variance. Such acceptance shall be signed by an officer of The D.B. Hess. Company, Inc., duly authorized to bind The D.B. Hess Company, Inc., to all of the terms and conditions of the final Board order in this matter. The 45-day period shall be held in abeyance during any period that this matter is appealed. Failure to execute and forward the certificate within 45 days renders this variance void and of no force and effect as a shield against enforcement of rules from which the Board has granted relief.

CERTIFICATION

I (We), _____, hereby accept and agree to be bound by all the terms of the Order of the Pollution Control Board in PCB 96-194 dated March 20, 1997, as modified May 15, 1997.

Petitioner

Authorized Agent

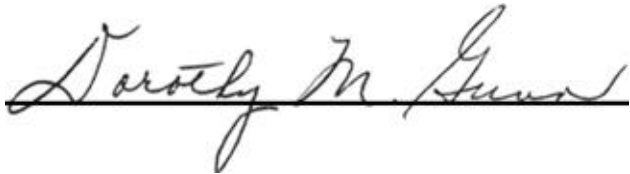
Title

Date

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (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 15th day of May, 1997, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board