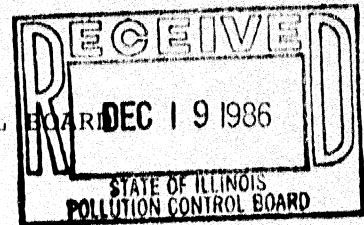


BEFORE THE ILLINOIS POLLUTION CONTROL BOARD



EKCO GLACO CORPORATION)
)
 Petitioner,)
)
 v.) PCB 86-91
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

MOTION FOR RECONSIDERATION

Petitioner, Ekco Glaco Corporation ("Ekco") by its attorneys Jeffrey C. Fort and James J. DeNapoli of Martin, Craig, Chester & Sonnenschein hereby moves the Pollution Control Board ("Board") to modify the Board's Opinion and Order issued in PCB 86-91 and extend the variance granted by the Board on November 20, 1986.

1. Ekco is requesting that the Board modify its Opinion and Order, and extend the variance granted in PCB 86-91 pursuant to 35 Ill. Adm. Code Subpart H - Relief From Final Orders, §103.240 - Motion Subsequent to Entry of Final Order.

2. Ekco is requesting that the Board extend the variance granted in PCB 86-91 from 35 Ill. Adm. Code Subtitle B - Air Pollution, Chapter 1 - Part 215 - Organic Material Emission Standards and Limitations, Subpart F Coating Operations, §215.204(j)(1) - Emissions Limitations for

Manufacturing Plants - Clear Coating of Miscellaneous Metal Parts and Products and §215.205 - Alternative Emission Limitations from January 1, 1987 to February 15, 1987.

3. On June 23, 1986, Ekco filed a petition requesting the Board to extend and modify a variance granted by the Board on June 27, 1985 from 35 Ill. Adm. Code §§215.204(j)(1) and 215.205. Ekco requested that the Board allow Ekco to operate its new pan line without control equipment until January 1, 1987 when it would install an afterburner to control emissions of volatile organic materials (VOM). Ekco also requested that the Board allow Ekco to operate its used pan line until June of 1987 without control equipment when it would relocate the line to a new plant.

4. On November 20, 1986, the Board granted Ekco a variance from §§215.204(j)(1) and 215.205 for the operation of its new pan line until January 1, 1987. The Board did not grant Ekco a variance for the operation of the used pan line on the basis that the used pan line could operate without control equipment under the internal offset rule (35 Ill. Adm. Code §215.207). In its June 23, 1986 variance request, Ekco set forth a compliance plan which provided that all modifications to the new pan line would be completed by January 1, 1987. These modifications include the installation of exhaust equipment and an afterburner to control emissions of VOM.

5. Since the filing of the variance on June 23, 1986, and the issuance of the Board's Opinion and Order on November 20, 1986, Ekco has taken significant steps toward the completion of the modifications on the new pan line. Steps to achieve compliance and modifications made to date on the new pan line include the following:

1. September 1986 - Ekco submits an offer to purchase an afterburner.
2. October 2, 1986 - Preliminary acceptance of Ekco's offer to purchase by seller.
3. October 28, 1986 - Purchase order submitted by Ekco.
4. November 10, 1986 - Ekco's offer is formally accepted.
5. November 26, 1986 - Incinerator foundation installed.
6. December 2, 1986 - Afterburner delivered to Ekco.

Despite the above steps taken to achieve compliance with §§215.204(j)(1) and 215.205, Ekco has encountered certain difficulties in meeting the January 1, 1987, deadline as set forth in the Board's November 20, 1986 Order. On or about November 15, 1986, Ekco became aware that it could not meet the January 1, 1987 deadline for installing the control equipment. This was due in large part to the time necessary for finalizing the sale of the afterburner unit. This delay caused by the sales transaction delayed the delivery date of the afterburner. In turn, the December 2, 1986 delivery date delayed Ekco's compliance schedule

as Ekco could not begin the physical steps to install the unit until this time.

To compound the above problems, upon delivery of the afterburner Ekco discovered major damage to the primary heat exchanger. Ekco was previously aware of damage to the afterburner, but did not realize the true extent of the damage until after it received the afterburner. As a result, Ekco had to perform repairs on the heat exchanger which further delayed installation.

Finally, subsequent to the delivery of the afterburner, Ekco was required to install monitors on the afterburner unit for monitoring the Lower Explosion Limit (LEL). After investigating the use of these monitors, Ekco became aware that special LEL monitors would be required because Ekco used a silicone coating on its new pan line. This coating would eventually accumulate on certain types of monitors causing them to give inaccurate readings. As a result, Ekco was forced to order LEL monitors compatible with its coating. Delivery of the monitors is expected to take 8-10 weeks.

7. Because of the delays Ekco has experienced in meeting the January 1, 1987 deadline, Ekco is requesting that the Board modify its November 20, 1986 Order and extend the variance granted by the Board from 35 Ill. Adm. Code §§215.204(j)(1) and 215.205 from January 1, 1987 to February

15, 1987. In the interim, Ekco will complete its compliance plan for the new pan line according to the following schedule:

1. December 18, 1986 - Erection and installation of afterburner completed.
2. December 30, 1986 - Piping and electrical work completed.
3. January 16, 1986 - Delivery of LEL monitors expected.
4. January 23, 1986 - Sheet metal work completed.
5. January 30, 1986 - LEL monitors installed; equipment check out to be conducted.
6. February 15, 1986 - Unit operational, emission testing completed.

8. Ekco's request to modify the Board's Order will not result in a significant adverse air quality impact. However, the failure to provide Ekco with additional time to make necessary modifications to its new pan line would impose an arbitrary and unreasonable hardship upon Ekco given the steps Ekco has taken to date to meet the compliance plan set forth in its variance petition of June 23, 1986.

Furthermore, as determined by 35 Ill. Adm. Code §215.106, Ekco is not required to operate the afterburner on the new pan line until April 1, 1987. As a result, requiring Ekco to meet the January 1, 1987 compliance date would impose an arbitrary and unreasonable hardship upon Ekco.

WHEREFORE, Ekco requests that the Board extend the

variance granted in its November 20, 1986 Order from 35
Ill. Adm. Code §§215.204(j)(1) and 215.205 from January
1, 1987 to February 15, 1987.

Respectfully submitted,
EKCO GLACO CORPORATION

By: James J. DeNapoli
One of Its Attorneys

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Affidavit of Dario Rosso

I, Dario Rosso, being first duly sworn on oath, depose and state as follows:

1. I am the Operations Manager of the Coatings Division for Ekco Glaco Corporation.

2. I am familiar with the facts alleged in the attached Motion for Reconsideration, and believe the facts alleged there are true and correct.

Dario Rosso

DARIO ROSSO

SUBSCRIBED and SWORN TO
before me this 11th day
of September, 1986.

[Signature]

NOTARY PUBLIC

PROOF OF SERVICE

Karen Cancialosi, being first duly sworn, states that the above and foregoing Notice was served by the undersigned, upon each of the persons to whom addressed, by mailing a copy thereof in a sealed envelope, plainly addressed to each of said person(s) and deposited in a post office box of the United States mails, before the hour of 4:30 p.m., on this 19th day of December, 1986, in Chicago, Illinois.

Karen Cancialosi

SUBSCRIBED and SWORN to
before me this 19th day
of December, 1986.

John J. [Signature]
Notary Public