

ILLINOIS POLLUTION CONTROL BOARD  
December 20, 1989

MEAD, PACKING DIVISION, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 89-211  
 ) (Provisional Variance)  
 )  
 )  
 ) ILLINOIS ENVIRONMENTAL )  
 ) PROTECTION AGENCY, )  
 )  
 ) Respondent. )

OPINION AND ORDER OF THE BOARD (by J. Marlin):

This matter comes before the Board on the December 20, 1989 recommendation of the Illinois Environmental Protection Agency (Agency). The Agency recommends that the Board grant Mead a provisional variance from January 2 through February 15, 1990 from 35 Ill. Adm. Code 215.401, to the extent such a variance would allow Mead to operate without controls using coatings. The Agency maintains that Mead would suffer arbitrary and unreasonable hardship if denied this relief.

On December 6, 1989, under docket number PCB 89-196, the Board granted Mead a provisional variance from December 18, 1989 to January 31, 1990 on a recommendation filed by the Agency on December 6, 1989. The present petition requests that the Board modify the prior provisional variance to change the dates through which the variance would run. The Board docketed this second recommendation as a new petition.

In its December 5, 1989 recommendation, the Agency recommended that the Board grant the provisional variance with four conditions. The December 20, 1989 recommendation states that "the change in the time frame for the provisional variance does not alter the Agency's analysis." Therefore, the Board infers that the Agency recommends those conditions as part of this new recommendation.

Mead operates a plant at Godfrey, in Madison County. The plant manufactures beverage and soap cartons. Mead has 706 tons of wax laminated board worth about \$530,000 in stock at its plant. Mead has been unsuccessful in its attempt to use complaint inks and varnishes on this material, because such materials produce a defective product. Mead has been unsuccessful in its attempt to return this material to its supplier, and shipment to another Mead location is cost prohibitive. Mead would use this material in production in eight production days in December and January if granted this provisional variance.

The Board hereby grants Mead the Agency-recommended provisional variance with conditions. The fourth condition is that Modern Foundry execute a certificate of acceptance. Although the Board does not normally require such certification for provisional variances, the Board includes this condition because the Agency has requested it. The Board has split a part of the fourth Agency-recommended condition into a fifth condition in its Order.

ORDER

The Board hereby grants Mead a provisional variance from 35 Ill. Adm. Code 215.401 from January 2, 1990 through February 15, 1990, subject to the following conditions:

1. This provisional variance applies only to the 706 tons of wax laminated board presently in its stock at its Godfrey plant. Mead shall not apply noncompliant inks and varnishes to any other materials.
2. Mead shall submit, within three days of the end of each calendar week, a written report of the amount of wax laminated board remaining in stock, the production days on which Mead printed wax laminated board, the amount of wax laminated board Mead printed, and the VOM emissions from printing wax laminated board.
3. Mead shall submit the written report required above to the Agency addressed as follows:

Regional Manager  
Illinois Environmental Protection Agency  
2009 Mall Street  
Collinsville, IL 62234

4. Mead shall, within ten days of the date of this Order, execute and forward to

James J. O'Donnell  
Enforcement Programs  
Illinois Environmental Protection Agency  
2200 Churchill Road  
Post Office Box 12976  
Springfield, IL 62794-9276

a certificate of acceptance in the following form:

CERTIFICATION

I, (We), \_\_\_\_\_ hereby accept and agree to be bound by all terms and conditions of the Order of the Pollution Control Board in PCB 89-211, December 20, 1989.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Authorized Agent

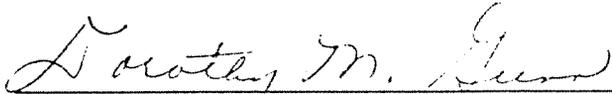
\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

- 5. This provisional variance shall not become effective until after Mead has executed and forwarded the certificate of acceptance as required above.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 20<sup>th</sup> day of December, 1989, by a vote of 7-0.

  
\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board