

ILLINOIS POLLUTION CONTROL BOARD
May 5, 1994

DOUGLAS FURNITURE CORPORATION,)	
)	
Petitioner,)	
)	
v.)	PCB 94-142
)	(Provisional Variance)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

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

Pursuant to Section 35(b) of the Environmental Protection Act (Act) (415 ILCS 5/35(b)), Douglas Furniture Corporation has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow Douglas Furniture Corporation to continue operating although it will operate its afterburner at a lower temperature than required in Special Condition 1 of its operating Permit Number 77-10-0075. Such request for a provisional variance and the Notification of Recommendation was filed with the Board by the Agency on Tuesday, May 3, 1994. Pursuant to Section 35(b) of the Act, the Board must issue the variance within two (2) days of this filing.

Specifically, the Agency recommends that we grant Douglas Furniture Corporation a forty-five (45)-day provisional variance for its Cook County facility from the requirements that it operate its pollution control equipment within the limits of its permit, as set forth in 35 Ill. Adm. Code 201.141 and 201.149, for the period beginning April 18, 1994 and continuing until Douglas Furniture Corporation has repaired its afterburner or until forty-five (45)-days have elapsed, whichever comes first.

This recommendation is essentially that the Board extend a previously-granted forty-five (45)-day provisional variance that expired March 3, 1994.

The Agency's provisional recommendation states that Douglas Furniture Corporation operates a Type O waste incinerator/waste boiler ("incinerator system") at 5020 West 73rd Street, Bedford Park, Cook County, Illinois. Douglas Furniture Corporation asserts that it must operate its afterburner at a lower temperature than specified by its permit until it can repair the afterburner and install a second afterburner.

Upon receipt of the request, the Agency issued its recommendation, notifying the Board that due to unforeseen, temporary and uncontrollable circumstances, failure to grant the

requested forty-five (45)-day provisional variance would impose an arbitrary or unreasonable hardship on the petitioner.

Provisional variances are by their very nature temporary. The responsibilities of the Agency and the Board in these short-term provisional variances are different from the responsibilities in standard variances. (See 415 ILCS 5/35(b) & 36(c)). In provisional variances it is the responsibility of the Agency to make the technical determinations and finding of arbitrary or unreasonable hardship. The Board's responsibility is to adopt a formal order, to assure the formal maintenance of the record, to assure the enforceability of the variance, and to provide notification of the action by a press release.

Having received the Agency recommendation notifying the Board that a denial of the requested relief would impose an arbitrary or unreasonable hardship, the Board hereby grants the petitioner a provisional variance from the requirements of Special Condition 1 of its operating Permit Number 77-10-0075, 35 Ill. Adm. Code 201.141 and 201.149 beginning April 18, 1994, subject to the following conditions:

1. The term of this provisional variance shall commence April 18, 1994 and it shall expire on the date the petitioner, Douglas Furniture Corporation, completes repairs to its plant, by replacing warped and worn out parts and installing a new afterburner unit, or after forty-five (45) days have elapsed, whichever comes first;
2. The petitioner shall notify the Agency upon completion of all repairs. This notification shall be sent to:

Illinois Environmental Protection Agency
Division of Air Pollution Control
Permit Section
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

Attention: Donald E. Sutton

3. The petitioner shall perform the necessary maintenance and modification work as expeditiously as possible and operate its plant during the term of this provisional variance in a manner that assures the afterburner combustion chamber is preheated to at least 600 degrees F, before any waste is loaded into the incinerator. After reaching preheat temperature, the temperature in the afterburner combustion chamber shall be slowly raised by gradually loading paper, cardboard, or light wood until the temperature is over 1000 degrees F. The average temperature

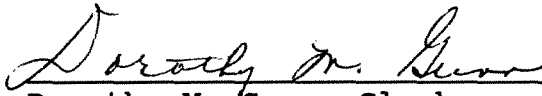
in the afterburner combustion chamber shall be maintained at 1000 degrees F but not less than 800 degrees F during incineration, except during off-hour burn-down cycle period.

4. Petitioner shall maintain records of incinerator system temperature for the duration of the provisional variance, such records shall be made available to Agency personnel upon request.

5. Petitioner shall obtain all necessary permits from the Agency prior to commencement of any construction or modifications to the incinerator system.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted on the 5th day of May, 1994, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board