

ILLINOIS POLLUTION CONTROL BOARD
June 22, 1995

ACME PACKAGING CORPORATION,)
)
 Petitioner,)
)
 v.) PCB 95-177
) (Provisional Variance-Air)
 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)), Acme Packaging Corporation (Acme) has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow Acme to conduct a trial run of 150 gallons of an experimental coating (EXP 2500) with a volatile organic material (VOM) content that exceeds the 2.6 lb/gal limitation. Such request for a provisional variance and the Notification of Recommendation was filed with the Board by the Agency on Tuesday, June 20, 1995. 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 Acme a forty-five (45)-day provisional variance for its Cook County facility from the VOM requirements of the air pollution regulations, as set forth in 35 Ill. Adm. Code 218.204(d) for the period beginning June 26, 1995 and continuing for forty-five (45)-days or until the 150 gallons of EXP 2500 is exhausted, whichever comes first.

The Agency's provisional variance recommendation states that Acme operates a steel strapping painting operation in Riverdale, Cook County, Illinois. The provisional variance is being requested so that petitioner may test EXP 2500 as a possible alternative to coatings currently in use. EXP 2500 uses parachlorobenzotriflouride (PCBTF) as a solvent. PCBTF was exempted by the United States Environmental Protection Agency from "The Definition of VOM", and the Board anticipates soon exempting it from the Illinois Definition in docket R95-2. Acme seeks the provisional variance to conduct a trial run beginning June 26, 1995 and continuing for forty-five (45)-days or until the 150 gallons of EXP 2500 is exhausted, whichever comes first.

Upon receipt of the request, the Agency issued its recommendation, notifying the Board that due to 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 Acme a provisional variance from 35 Ill. Adm. Code 218.204(d) for the period beginning June 26, 1995 and continuing for forty-five (45)-days or until the 150 gallons of EXP 2500 is exhausted, whichever comes first, subject to the following conditions:

1. The term of this provisional variance shall commence on June 26, 1995 and continuing for forty-five (45)-days or until the 150 gallons of EXP 2500 is exhausted, whichever comes first;
2. The petitioner shall notify the Agency upon completion of the trail run. Such notification shall be sent to:

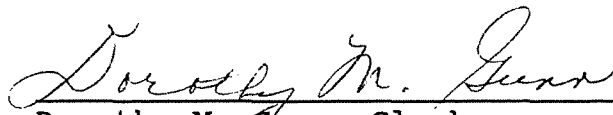
Illinois Environmental Protection Agency
2200 Churchill Road, P.O. Box 19276
Springfield, Illinois 62794-9276

Attention: Brooke Peterson

3. Acme shall supply the Agency with a material safety data sheet, or other appropriate documentation verifying the VOM content of EXP 2500. The records shall be submitted to the Agency addressed as is the written notice required in the above condition.

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 22nd day of June, 1995, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board