

ILLINOIS POLLUTION CONTROL BOARD  
July 27, 1989

CONTAINER CORPORATION OF )  
AMERICA (Carol Stream Plant), )  
 )  
Petitioner, )  
 )  
v. ) PCB 87-183  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

CONCURRING OPINION (by B. Forcade):

I agree with everything stated in the majority opinion, but feel an additional comment is in order.

At about the time this variance petition was being filed, the Board decided Ekco Glaco Corp. v. EPA, PCB 87-41 (December 17, 1987). The Board held that a 47 ton per year hydrocarbon source which was unwilling to commit to a compliance plan should be denied a variance. In part that denial was based on the fact that Northern Illinois had a substantial air pollution problem with ozone and that the source contributed to the problem. The Board found:

Ekco Glaco submits that its VOM emissions will not cause a significant adverse impact on air quality. This argument misses the point. The number of hydrocarbon sources in northern Illinois that contribute to the ozone problem is large. That number includes every type of hydrocarbon source from the automobile to Ekco Glaco. It would be impossible to conclude that any one source "causes a significant adverse impact." Yet the ambient air quality standards are violated. The Board finds that Ekco Glaco is a source of hydrocarbons which, to an unquantified degree, contributes to frequent, pervasive and substantial violations of ambient air quality standards for ozone in Northern Illinois. (pp. 4-5).

In that proceeding, the Board found that the health based air quality standards set under the Clean Air Act were violated frequently, pervasively, and substantially. An unstated, but well understood, corollary to that finding was the proposition that to achieve compliance with the health based standards would

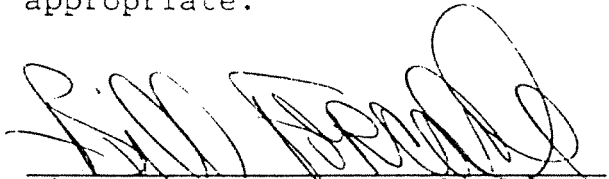
require additional hydrocarbon emission reductions that were "frequent, pervasive, and substantial." In December of 1987, this Board may not have known exactly how much hydrocarbon reduction the modelling would predict, but we knew it would be "substantial."

In a July 11, 1989 Federal Register Notice (54 FR 29065), the USEPA stated that the required hydrocarbon emission reduction would be 72 percent of the 1988 emissions. Whether or not the 72 percent figure ultimately proves to be accurate, it underscores the fact that required reductions in hydrocarbon emissions will be "substantial."

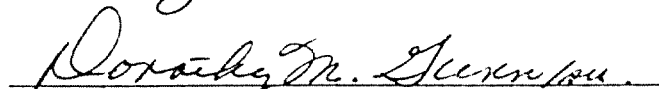
The point of the preceding paragraphs is to demonstrate that this Board has been aware, at least since 1987, of the incredible magnitude of the problem and the correspondingly difficult decisions that would be required if our air quality is to achieve the health based standards. Those decisions are difficult because they require substantial and expensive pollution reductions from facilities that are not guilty of malvolence or poor pollution control practices in the past.

This Board cannot modify atmospheric chemistry, it can only choose between continued violations of health based standards or substantial reductions in existing hydrocarbon emission levels. If each hydrocarbon emission source makes a "substantial" reduction, the burden would be shared equitably. Each decision to not require substantial reductions from a particular source must be viewed in the context of where else reductions can be made. Otherwise, the problems continue.

Recently, Container Corporation of America has averaged about 490 tons of VOM emissions per year. It still has not committed to a compliance plan. I believe variance denial is appropriate.

  
Bill S. Forcade, Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was submitted on the 16<sup>th</sup> day of August, 1989.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board