

ILLINOIS POLLUTION CONTROL BOARD
August 20, 1993

PRECOAT METALS,)
)
Petitioner,)
)
v.) PCB 93-149
) (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)), the Illinois Environmental Protection Agency (Agency), by and through its Director, Mary A. Gade, seeks a provisional variance for Precoat Metals in order to allow it to continue operating during malfunction of the prime coater afterburner. The Agency Recommendation was filed August 18, 1993.

Specifically, the Agency recommends that we grant Precoat Metals a 45-day provisional variance for its Cook County facility from the volatile organic emissions limitations, as set forth in 35 Ill. Adm. Code 218.207(b)(1) and in permit no. 72110973, for the period from August 20, 1993 to October 3, 1993.

The Agency's provisional variance recommendation states that Precoat Metals operated a coil coating line at Chicago, in Cook County, Illinois. In an attempt to increase the destruction efficiency of the prime coater afterburner on its coil coating line number 4, a high temperature limit shut-off switch failed to automatically shut down the afterburner, the unit overheated and the afterburner became inoperable.

Upon receipt of the request, the Agency issued its recommendation, notifying the Board that failure to grant the requested 45-day provisional variance would impose an arbitrary or unreasonable hardship on 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) & (c) (1992) (Ill. Rev. Stat. 1991, ch. 111½, pars. 1035(b) & (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 Petitioner a provisional variance from 35 Ill. Adm. Code 218.207(b)(1) and from special conditions 1(a)(i), 1(b)(i), 1(b)(ii) of the permit # 72110973 from August 20, 1993 to October 3, 1993, subject to the following conditions:

1. The term of this provisional variance shall commence on August 20, 1993 and expire on October 3, 1993.
2. During the term of this provisional variance, the Petitioner's shall utilize the afterburner, to the extent feasible, especially when using primer coatings which exceed 2.6 pounds of VOC per gallon.
3. Precoat will determine the temperature and subsequent level of control that can currently be achieved by the malfunctioning afterburner and will provide this information to the Agency within 10 business days after the date of this order.
4. Precoat will utilize primer coatings that contain lower levels of VOC per gallon during the period of this provisional variance, to the extent feasible.
5. Precoat will use off-shift labor and equipment and any other means, to the extent necessary and feasible, to expedite the repair of the prime coater afterburner.
6. Precoat will maintain records of all coatings used during the period of this provisional variance, including the VOC content of the coatings, and the resultant emissions.
7. Precoat will provide this information to the Agency upon termination of the provisional variance.

The Agency recommendation did not include the customary recommendation that the Board grant the provisional variance subject to conditions, and the Board does not add conditions to the grant.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted by the Board on the 20th day of August, 1993, by a vote of 5-0.

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