

ILLINOIS POLLUTION CONTROL BOARD
April 7, 1988

MOTOR WHEEL CORPORATION,)
)
 Petitioner,)
)
 v.) PCB 88-61
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

This provisional variance request comes before the Board upon an April 6, 1988 Recommendation of the Illinois Environmental Protection Agency (Agency). The Agency recommends that because of an arbitrary and unreasonable hardship, the Petitioner, Motor Wheel Corporation, be granted a provisional variance, subject to certain conditions, from the requirements of 35 Ill. Adm. Code 215.204(j) for its Spray Booths S 25 and S 26 at its Mendota, Illinois plant until May 22, 1988.

Motor Wheel Corporation operates a plant at Mendota, LaSalle County, Illinois. LaSalle County is designated as "cannot be classified or better than national standards" for ozone. (40 CFR 31.314) As part of its wheel manufacturing operations, Motor Wheel paints the Wheels. This coating is limited by 35 Ill. Adm. Code 215.204(j) to 3.5 lb. VOC/gal. of coating. The relevant spray booths at the plant are designated as S 25 and S 26 and are presently operated pursuant to an operating permit, Application No. 87090034, with an expiration date of December 21, 1992.

After reviewing the application according to the criteria found in 35 Ill. Adm. Code 180.301, the Agency recommends that the provisional variance be granted. The Agency states that its review indicated the following:

1. The requested relief is short-term, for 45 days;
2. the demand for the painted wheels is four months earlier than expected; at the same time, Motor Wheel's construction of its paint system has encountered delays. To refuse to allow the requested production level debugging would cause an arbitrary and unreasonable hardship. Since the wheels are needed by the customer, Diamond Star, by June, 1988, Motor Wheel could not avoid this arbitrary and unreasonable

hardship by pursuing a normal Section 35(a) variance in the remaining time before June;

3. Motor Wheel has not previously been granted any provisional variance relief within the calendar year;
4. Motor Wheel has included a compliance plan of sorts-- after the debugging production of the 10,000 wheels it will no longer use the noncompliant coating;
5. there are no reasonable alternatives for compliance in the short-term. Rather, this time will allow the future compliant operation;
6. that adverse impacts will be minimal may be inferred from the fact that there will only be 50 pounds of excess emissions over a 45 day period in an area with good air quality.

Based on its review, the Agency recommends that the variance be granted, subject to the conditions set forth in the Order below.

Pursuant to Section 35(b) of the Illinois Environmental Protection Act, the Board hereby grants the provisional variance as recommended.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

Motor Wheel Corporation, Petitioner, is hereby granted a provisional variance from the requirements of 35 Ill. Adm. Code 215.204(j) for its Spray booths S 25 and S 26 at its Mendota, Illinois plant, subject to the following conditions:

1. This variance shall commence on April 7, 1988 and extend to May 22, 1988.
2. During the period of the variance, Petitioner shall not cause or allow the emission of volatile organic material from Spray Booths S 25 and S 26 to exceed 4.04 lb. VOM/gal. of coating material, excluding water, delivered to the coating applicator.
3. No more than 10,000 wheels may be painted with the noncompliant coating during the variance.
4. On or before June 1, 1988, Petitioner shall submit a report of all coating usage, including VOM content, and wheel production under the variance to the following:

Variance Compliance Manager
Division of Air Pollution Control
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

5. Within ten (10) days of the date of this Order, the City shall execute a Certificate of Acceptance agreeing to be bound by the terms and conditions of this variance which shall be sent to:

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

ATTN: Mr. William D. Ingersoll

This variance shall be void if Petitioner fails to execute and forward the certificate within the ten day period. The ten day period shall be held in abeyance during any period that this matter is being appealed. The form of said Certification shall be as follows:

CERTIFICATION

I, (We), Motor Wheel Corporation, having read the Order of the Illinois Pollution Control Board, in PCB 88-61, dated April 7, 1988, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner

By: Authorized Agent

Title

Date

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1985 ch. 111 1/2 par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

Board Member's J. Dumelle and J. Anderson concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 7th day of April, 1988 by a vote of 7-0.

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