

ILLINOIS POLLUTION CONTROL BOARD
January 20, 2000

BERLIN INDUSTRIES,)
)
 Petitioner,)
)
 v.) PCB 00-123
) (Provisional Variance - Air)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

On January 18, 2000, the Illinois Environmental Protection Agency (Agency) filed a request for provisional variance and notification of recommendation. The Agency recommends that the Board grant a four-day provisional variance to Berlin Industries for its Carol Stream facility. The provisional variance would allow the petitioner's DuPage County facility to continue to operate its printing lines without operating an afterburner system while repairs are made to its thermal oxidizer. In making its recommendation, the Agency states that failure to grant the requested provisional variance for four days will result in an arbitrary or unreasonable hardship on the petitioner.

The Board grants the petitioner a provisional variance from the requirements to use an afterburner to reduce 90% of volatile organic material emissions and to use an afterburner at all times when operating a printing line. These requirements are set forth in 35 Ill. Adm. Code 218.407(a)(1)(C) and 218.407(a)(1)(E) and conditions 7.1.3(f)(i)(C) and 7.1.3(f)(i)(E) of petitioner's Clean Air Act Permit Program permit. The Board is required, in a provisional variance, to adopt a formal order, assure formal maintenance of the record, assure the enforceability of the variance, and provide notification of the action by press release. Pursuant to Section 35(b) of the Environmental Protection Act (415 ILCS 5/35(b) (1998)), the Board must issue the provisional variance within two days of the filing.

The Board hereby grants the petitioner a provisional variance, subject to the following conditions:

1. The term of this provisional variance is for four consecutive days, to commence no sooner than January 7, 2000, and expire no later than February 22, 2000;
2. When the pollution control equipment is returned to operation following repair, it must be maintained and operated according to manufacturer's specifications and all applicable regulatory and permit requirements; and

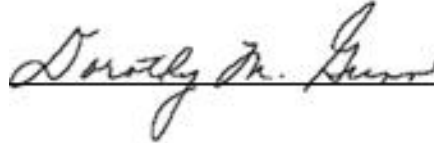
3. Written notification shall be sent to the following address when the afterburner is returned to operation:

Illinois Environmental Protection Agency
Bureau of Air
Compliance Unit
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 20th day of January 2000 by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board