

ILLINOIS POLLUTION CONTROL BOARD  
December 6, 1991

THE GRIGOLEIT COMPANY, )  
 )  
Petitioner, )  
 )  
v. ) PCB 89-184  
 ) (Permit Appeal)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

DISSENTING OPINION (by B. Forcade and J. D. Dumelle):

We respectfully dissent from today's action. We continue to believe that the original Agency permit decision should have been affirmed. We reaffirm generally our Dissenting Opinions of November 29, 1990 and June 20, 1991. We specifically emphasize our continuing concern on two issues: (1) this Board limiting the Agency information gathering actions on remand in contravention of Illinois Environmental Protection Agency v. Illinois Pollution Control Board and Centralia Environmental Services, No. 5-91-0099 (Order, June 14, 1991) while still allowing Grigoleit unfettered opportunity to supplement the record; and (2) this Board mandating permitting of the two new emission sources Grigoleit has added that were never previously permitted (the Lithograph machine, and a new Systems Group H) despite the fact that the Agency denial letter of October 11, 1989 denied the facility a permit because the application did not demonstrate compliance with 35 Ill. Adm. Code 215.301.

As explained below, today's decision further compounds those errors by holding for the first time that facilities need not demonstrate hourly compliance with the hourly organic material emission limitations of 35 Ill. Adm. Code Part 215, if they can demonstrate annual compliance across multiple lines. Since those regulations govern our State Implementation Program ("SIP") for ozone which must be approved by USEPA, such a holding may have dire consequences for any future SIP approval.

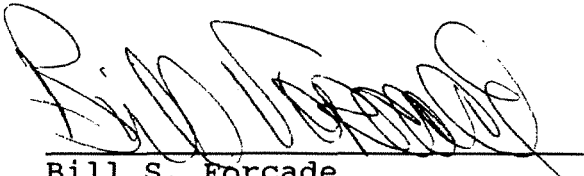
In the July 20, 1990 Order this Board specifically approved the Agency information request of October 11, 1989 at 2(a) and (b), which stated:

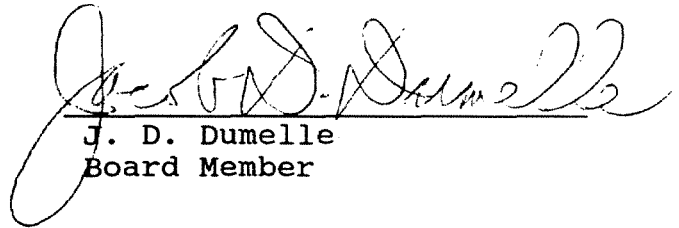
- a. Provide usage and percent by volume for each ingredient in ink and solvent used for each coating application.
- b. Provide the weight percentage of the volatile organic compound in the ink and solvent and the amount of ink and solvent used per hour.

In today's Opinion and Order for the first time the Board reverses the July 20, Order and holds that:


However, the Board notes that the standard in 215.301, although expressed in pounds per hour, does not explicitly state that only hourly data must be used to show compliance. We also note that the Agency allowed the use of yearly usage data in Grigoleit's prior permit approval. If the method of calculation used in the past, which allowed averaging of organic material usage over a year and across Grigoleit's six sources (A1-A6), has not changed, the Board must conclude that the requested information is unnecessary. (Opinion, p.6)

We have no doubt this particular paragraph will prove fruitful for future adjudication regarding organic material emission sources located in ozone non-attainment areas of northern Illinois. Since we cannot support cross line averaging and annual emissions compliance we must dissent.

  
Bill S. Forcade  
Board Member

  
J. D. Dumelle  
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was filed on the 10<sup>th</sup> day of December, 1991.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board