


ILLINOIS POLLUTION CONTROL BOARD
January 8, 1987

VAN LEER CONTAINERS, INC.,)
)
 Petitioner,)
)
 v.) PCB 85-227
)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

CONCURRING OPINION (by J. Marlin):

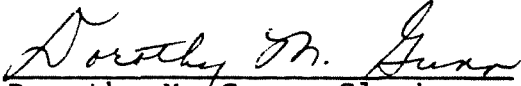
I am reluctantly supporting granting this variance. The Board has been extremely patient in allowing the container industry additional time to comply with the VOC standards. It is apparent that Van Leer has made substantial efforts to reach compliance without installing afterburners. These efforts have produced some results to date, but it is clear that the company has a way to go if it is to reach full compliance. The basis for the "natural oven incineration" credit is not particularly clear and should have been elaborated on extensively at hearing. I support the variance mainly to allow Van Leer a final chance to attain compliance using the methods they have developed over the past several years. It is unreasonable to force an alternate solution when the company seems confident of success and is making progress. If the program does not succeed, compliance must be obtained by alternate means by the end of 1987. Any claim of compliance which includes "natural oven incineration" must be better supported than it was in this record.

The concerns regarding competitiveness and fairness expressed by Van Leer's competition are serious and raise important considerations. Illinois law, however, provides the variance mechanism for companies which need additional time to achieve compliance. It is apparent to me that in this situation, Van Leer has used the variance provisions in an appropriate manner. Hopefully, by the end of 1987 the container industry as a whole will be in compliance and all manufacturers will be on an equal footing regarding required VOC controls.



John C. Marlin,

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on the 12th day of January, 1987.


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