

ILLINOIS POLLUTION CONTROL BOARD

August 4, 1977

AMERICAN CAN COMPANY,)
)
) Petitioner,)
)
)
) v.) PCB 77-144
)
)
) ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Goodman):

On May 27, 1977, American Can Company submitted a petition for variance from certain portions of the Board's Order in PCB 73-515. The Agency submitted its recommendation on August 1, 1977. American Can waived the right to a hearing on its petition, and no hearing has been held.

American Can operates a plant at 6017 South Western Avenue in Chicago for the production of containers. The facility has eight coater-ovens and nine litho-varnish units. In PCB 73-515, which was an odor nuisance enforcement action, the Board ordered American Can to up-date the 17 afterburners used on their ovens and/or convert the material used in the manufacturing process to non-photochemically reactive material such as water-based material. In PCB 75-311, American Can was granted a variance from the prior Board Order for three of the coater-ovens and three of the varnish units. All of the remaining units had been converted to the use of water-based varnishes or coatings. American Can now seeks an extension of the variance granted in PCB 75-311.

American Can alleges and the Agency agrees that the plant is presently in full compliance with Rule 205. The units are now utilizing either non-photochemically reactive coatings or water-base coatings. As to the odor nuisance aspect of Rule 205(f), both the company and the Agency indicate that no odor complaints have been received within the past year.

The purpose of the original Board Order requiring conversion to water-based materials was to eliminate the odor nuisance affecting the surrounding area. However, based upon the information submitted by American Can and the Agency in the present matter, there is no indication that an odor nuisance still exists. Considering the allegations that the company is in full compliance with Rule 205(f) and that no odor complaints have been received, the Board is unable to find that American Can has demonstrated the need for a variance. Accordingly, the Board hereby dismisses the petition for variance without prejudice.

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

ORDER

It is the Order of the Pollution Control Board that the petition for variance filed herein be and is hereby dismissed without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 4th day of August, 1977 by a vote of 50.



Christan L. Moffett, Clerk
Illinois Pollution Control Board