

ILLINOIS POLLUTION CONTROL BOARD
October 30, 1975

BORG WARNER CORPORATION,)
INGERSOLL PRODUCTS DIVISION,)
Petitioner,)
)
v.) PCB 75-307
)
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

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

This matter comes before the Illinois Pollution Control Board (Board) upon the August 1, 1975, petition of Borg Warner Corporation (Borg) for six month variance from Rules 103(a)(2) and 103(a)(5)(B) of the Air Pollution Regulations as they apply to its Ingersoll Products Division in Chicago, Illinois. From the contents of the petition, it is apparent that Borg is seeking variance from the operating permit requirements of 103(b) rather than the construction permit requirements of 103(a).

The portion of the Ingersoll Productions Division for which the variance is sought is the electrostatic paint booth and paint drying oven used in manufacturing electronic cabinets. Steel sheets are cleaned, cut, formed and welded into equipment panels. After grinding rough edges and removing all scale, the cabinets are painted in the spray booth and cured in the drying oven. Approximately 1200 different colors and 25 basic formulas are used. Petitioner contends that its paints and solvents comply with Rule 205(f) of the Air Pollution Regulations.

On March 18, 1975, Petitioner applied to the Environmental Protection Agency (Agency) for an operating permit. On May 2, 1975, the Agency requested a complete list of the chemical names of each solvent used in the paints at Ingersoll Products. Borg was given until May 28, 1975, to obtain and submit the information to Agency. Borg answered the Agency request, stating that all paints were in compliance with Rule 205(f) and later requested more time to obtain the chemical names. The permit was denied for incomplete information on June 5, 1975.

Petitioner now seeks a variance from Rule 103(b) for six months from August 1, 1975, in order to obtain the necessary information from its solvent suppliers.

Borg states that the requested information has placed a large burden on its technical staff and that denial would

cause the shutting down of the facility resulting in the loss of \$6,000,000 per year and the unemployment of 88 persons.

The Board points out that the denial of a variance is not a shut down order. Mobil Oil v. EPA PCB 73-562, ABC Great Lakes, Inc. v. EPA PCB 72-39, Forty-eight Insulations, Inc. v. EPA PCB 73-478.


While twenty-six days may not have been sufficient time within which to obtain the necessary information, surely the three months between the Agency request and the filing of this petition should have been adequate. The Board cannot say that the information requested by the Agency is arbitrary or unreasonable. While Borg has obviously acted in good faith in using solvents which they feel comply with Rule 205(f), it has failed to show the necessary hardship which would warrant a variance. Therefore, Borg's petition will be dismissed without prejudice.

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

ORDER

It is the Order of the Board that Borg Warner Corporation's petition for variance from Rule 103(b) of the Air Regulations of its Ingersoll Products Division be, and hereby is, dismissed without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 30th day of October, 1975 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board