

ILLINOIS POLLUTION CONTROL BOARD

September 27, 1974

AMERICAN DECAL AND MANUFACTURING)	
COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB74-255
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by Mr. Henss)

American Decal and Manufacturing Company seeks variance from Rule 205(f) of the Air Pollution Control Regulations until June 1, 1975. Such relief is allegedly required so that the company may continue to operate coating oven #1 with nonexempt solvents, because Petitioner's supplier has not been able to provide exempt solvents. Petitioner states that experimentation with various solvents, presumably exempt solvents, will continue during the term of the variance.

Petitioner owns and operates a four-story decalcomania plant in an industrial area near Fullerton Avenue and Pulaski Road in Chicago, Illinois. The plant produces a variety of products including governmental revenue decals, emission control identification decals, reflective sheeting for street signs, stop signs and other highway and road signs and identification, instruction, window signs and nameplate decals. These products are sold nationally to state, county and municipal government as well as private industry.

There are no homes or residences on the east, west or north sides of this plant. The nearest homes are located about 200 feet south of the plant. Petitioner states that no odor problem associated with this plant presently exists.

The manufacturing of decalcomania involves a sophisticated multiple coating process using formulations developed over a period of many years of extensive experimentation. Two chemicals used in this process appear to be the source of Petitioner's need for variance. One of the chemicals used in the process, Xylol, is manufactured exclusively by Ashland Chemical Company. Petitioner

states that Ashland is developing an exempt solvent mixture to replace the nonexempt Xylol and had represented to Petitioner that such replacement would be developed in time for Petitioner to achieve compliance.

A trial shipment of the exempt replacement was delivered to Petitioner on May 8, 1974 but was unsuccessful in applications because of an error in Ashland's manufacturing procedure. Another trial shipment is reportedly due to be delivered at any time.

On the basis of samples previously delivered by Ashland, Petitioner proposes to achieve compliance with Rule 205(f) on coating oven #1 by switching to exempt solvents according to the following schedule:

	<u>Pounds per Hour Emitted</u>
June, 1974	Approx. 8.8
July 1974	Approx. 7.2
August, 1974	5.44
Sept., 1974	2.88

The need for variance until June 1, 1975 is allegedly required despite the above schedule because Ashland cannot assure Petitioner of sufficient supplies of exempt solvents in the future. Petitioner cites a number of consequences that denial of this variance would cause including the virtual total shut down of the Chicago plant and three branch plants in Cincinnati and Cleveland, Ohio and Canada. Alternative control measures such as installation of an after burner are claimed to be prohibitive in cost and questionable because of lack of fuel needed to operate such equipment.

A reading of the Agency's recommendation, however, shows that the need for variance is already moot. Paragraph 16 of the Agency's recommendation, as amended, states:

"Petitioner brought coating oven #1 into compliance with Rule 205(f) during July, 1974, as admitted by Petitioner in its letter to the Agency dated August 5, 1974 (See Exhibit A)."

While the referenced letter does not contain an actual admission of compliance, the figures submitted with the letter do indicate that

compliance was achieved during July, 1974 as Petitioner had scheduled.

As the Board has stated on numerous occasions, a necessary prerequisite for receiving a variance is the showing of noncompliance with the law. A variance cannot be granted on the possibility, speculative in nature, that an event may occur. In this case there is no clear showing that Petitioner will be unable to obtain exempt solvents. If such event does in fact occur at a later date causing noncompliance, then Petitioner can seek a variance at such time. From the information available, we find that Petitioner is in compliance and no such variance is now required. The petition is hereby dismissed as moot.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on this 27th day of September, 1974 by a vote of 5-0.


