

ILLINOIS POLLUTION CONTROL BOARD

August 8, 1974

WEBER MARKING SYSTEMS, INC.,        )  
    Petitioner,                        )  
  )  
    v.                                    )        PCB 74-172  
  )  
ENVIRONMENTAL PROTECTION AGENCY,    )  
    Respondent.                        )

OPINION AND ORDER OF THE BOARD (by Dr. Odell)

On May 7, 1974, the Illinois Pollution Control Board (Board) received a Variance Petition from Petitioner asking for a variance from the Board Order in PCB 73-485. Specifically, Petitioner requests a variance from Rule 205(f) of Chapter 2, Illinois Air Pollution Regulations (Chapter 2) from June 1, 1974, until July 15, 1974, while installation of its solvent recovery system is completed. A letter of April 29, 1974, from the installation contractor, Hydronics Piping Corporation, indicates that the delay in completion date is caused by slow delivery of essential materials.

On May 9, 1974, the Board directed the Petitioner to stipulate within 35 days that the record of the prior proceeding in PCB 73-485 be incorporated into this case. The Board received Petitioner's Stipulation to this effect on May 23, 1974.

The Environmental Protection Agency (Agency) filed on July 25, 1974, a Motion to Dismiss rather than a Recommendation. The Agency Motion to Dismiss was based on their belief, stated in item 3, that "to date, no stipulation has been filed" by the Petitioner in response to the Board Order of May 9, 1974. The Agency did not become aware of Petitioner's Stipulation of May 9, 1974, which stipulated "that the record of the prior proceedings contained in PCB 73-485 shall be incorporated in this case", until August 1, 1974. On that date the Agency filed a motion to Withdraw Motion to Dismiss. The Board granted this Motion at its August 1 meeting. On August 7 the Agency filed a Motion to Dismiss, stating "Petitioner's solvent recovery system was operating by July 15, 1974, and has brought Petitioner's facility into compliance with Rule 205(f). . . . Therefore, there is no reason to grant a Variance because there is no violation of the Board's regulations."

The Petitioner now appears to be in compliance. The Board is convinced that the delay in completion of the solvent recovery system was beyond Petitioner's control. A variance is granted

from Rule 205(f) of Chapter 2 from June 1 to July 15, 1974,  
to shield Petitioner from possible liability for that period.

ORDER

IT IS THE ORDER of the Illinois Pollution Control Board  
the Weber Marking Systems, Inc. be granted a Variance from Rule  
205(f) of Chapter 2 for its Arlington Heights, Illinois manu-  
facturing facility from June 1 to July 15, 1974.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control  
Board, hereby certify that the above Opinion and Order was  
adopted on the 8<sup>th</sup> day of August, 1974, by a vote of  
4 to 0.

Christan L. Moffett