

ILLINOIS POLLUTION CONTROL BOARD
August 14, 1975

J. L. CLARK MANUFACTURING COMPANY,)
Petitioner,)
)
v.) PCB 75-172
)
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

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

This case comes before the Pollution Control Board (Board) upon a variance petition by J. L. Clark Manufacturing Company (Clark) requesting variance from Rule 205(f) of Chapter 2, Air Pollution Control Regulations, from April 1, 1975 to June 1, 1975 for their painting and decorating lines at the Rockford Division in the City of Rockford, in Winnebago County, Illinois.

Clark manufactures decorative metal containers and various specialty items using metal sheet and printed graphics with an overcoat of varnish. Clark was originally granted an operating permit by the Agency, with a compliance program that envisioned the reduction of organic material in order to qualify under Rule 205(f)(2)(D). After three years of investigation with vendors, Clark discovered that suitable resins able to withstand the severe bending and stretching which is necessary to produce Clark's various finished products, could not be developed. Upon recognition of the problem and the likelihood that it would be unable to meet the May 30, 1975, final date for this type of material, Clark immediately instituted a program to comply with Rule 205(f) by means of incineration and exempt solvents.

Illinois Environmental Protection Agency (Agency) investigations revealed no complaints by neighbors in the area and the Agency has recommended that Clark be granted this variance, noting the very rapid reaction of Clark in gaining compliance as soon as they were aware they would be unable to meet the May 30, 1975, deadline.

The Board finds that, although the denial of a variance is not a "shutdown order," it would be an arbitrary and unreasonable hardship for Clark, as it alleges, to have to shut down approximately 1/3 of their production output for the short timespan indicated, particularly considering the

good faith effort on Clark's part to comply with Rule 205 and the speed with which compliance by alternative methods was accomplished when the water based solvent problem became apparent.

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 J.L. Clark Manufacturing Company be granted variance from Rule 205(f) of the Air Pollution Control Regulations from April 1, 1975 to June 1, 1975.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 14th day of August 1975 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board