

ILLINOIS POLLUTION CONTROL BOARD
December 4, 1997

LEHIGH PRESS CADILLAC,)	
)	
Petitioner,)	
)	PCB 98-75
v.)	(Provisional Variance - Air)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.A. Manning):

Pursuant to Section 35(b) of the Environmental Protection Act (Act) (415 ILCS 5/35(b) (1996)), Lehigh Press Cadillac (petitioner), located at 25th Avenue and Lexington Avenue, Broadview, Cook County, Illinois, has requested that the Board grant a provisional variance from permit condition (3)(c) of its air operating permit and 35 Ill. Adm. Code 218.407(a)(1)(E). Such request for a provisional variance and the notification of recommendation were filed with the Board by the Illinois Environmental Protection Agency (Agency) on December 3, 1997. Pursuant to Section 35(b) of the Act, the Board must issue the variance within two (2) days of this filing.

Pursuant to Section 35(b) of the Act (415 ILCS 5/35(b) (1996)), the Agency, by and through its Director, Mary A. Gade, seeks a provisional variance to allow petitioner to continue to operate its printing facility while repairs are made on its pollution control equipment.

Upon receipt of the request by the petitioner, the Agency issued its recommendation, notifying the Board that due to unforeseen, temporary, and uncontrollable circumstances, failure to grant the requested provisional variance would impose an arbitrary or unreasonable hardship on the petitioner. The Agency recommends that the Board grant the requested provisional variance with specified conditions.

Specifically, the Agency recommends that the Board grant petitioner a 14-day provisional variance for its Cook County facility from the air pollution control requirements, as set forth in permit condition (3)(c) of its air operating permit and 35 Ill. Adm. Code 218.407(a)(1)(E). This variance period shall begin on December 1, 1997, and expire on December 14, 1997.

Provisional variances are by their very nature temporary. The responsibilities of the Agency and the Board in these short-term provisional variances are different from the

responsibilities in standard variances. See 415 ILCS 5/35(b), 36(c) (1996). In provisional variances it is the responsibility of the Agency to make the technical determinations and a finding of arbitrary or unreasonable hardship. The Board's responsibility is to adopt a formal order, to assure the formal maintenance of the record, to assure the enforceability of the variance, and to provide notification of the action by a press release.

Having received the Agency recommendation that a denial of the requested relief would impose an arbitrary or unreasonable hardship, the Board hereby grants the petitioner a provisional variance from permit condition (3)(c) of its air operating permit and 35 Ill. Adm. Code 218.407(a)(1)(E), subject to the following conditions:

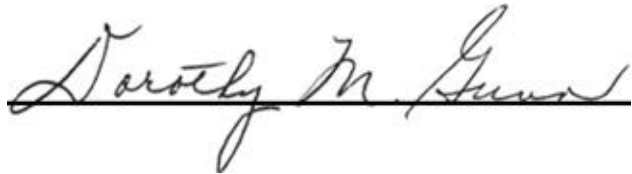
1. The term of this provisional variance shall commence December 1, 1997, and expire on December 14, 1997.
2. Petitioner shall notify the Agency in writing of the exact dates for repair and down time for the KATEC thermal oxidizer controlling printing presses. Such notification shall be given at least 24 hours before the thermal oxidizer is shut down for repairs, and may be sent via facsimile to Mr. Kunj Patel at 217/782-6348.
3. Petitioner shall try to minimize uncontrolled volatile organic material (VOM) emissions from the six presses during the afterburner repair by appropriately scheduling the printing operations to lower the VOM emissions as much as possible to reduce any potential odor problem.
4. During the shut down, petitioner shall keep the following records, and submit such records to the Agency within seven days of bringing the thermal oxidizer back on line:
 - a. Actual amounts of VOM emitted to the atmosphere;
 - b. The actual time the thermal oxidizer is shut and the actual time the thermal oxidizer is restarted and brought back on line; and
 - c. A list of associated emission units in operation during the period specified in (b) above.
5. Petitioner shall conduct a stack test after repairs are completed to show that the control efficiency of the thermal oxidizer has remained the same or improved due to the repair work.
6. Petitioner shall submit the records and stack test results to:

Illinois Environmental Protection Agency
Bureau of Air
Attention: Mr. Kunj Patel
1021 N. Grand Avenue East
Springfield, IL 62702

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 145 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 4th day of December 1997, by a vote of 6-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board