

ILLINOIS POLLUTION CONTROL BOARD
January 10, 2002

GBF GRAPHICS, Inc.,)	
)	
Petitioner,)	
)	
v.)	PCB 02-65
)	(Variance – Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by R.C. Flemal):

This matter is before the Board pursuant to a petition for variance filed by GBF Graphics, Inc. (GBF) on November 28, 2001. In the petition, GBF requests a five year variance from the volatile organic material (VOM) control requirements of 35 Ill. Adm. Code 218.405(e) for its printing facility located at 7300 Niles Center Road, Skokie in Cook County. As detailed below, the Board finds that this petition is deficient in a number of respects, and will require the filing of an amended petition.

John Mudge (Mudge), who filed the petition on behalf of GBF, is not identified as an attorney. The Board's procedural rules incorporate the requirement under Section 1 of the Illinois Attorney Act (705 ILCS 205/1 (2000)) and Section 1 of the Corporation Practice of Law Prohibition Act (705 ILCS 220/1 (2000)), that anyone other than an individual "must appear through an attorney-at-law licensed and registered to practice law." 35 Ill. Adm. Code 101.400(a)(2). Mudge cannot represent the petitioner before the Board unless he is, in fact, an attorney licensed to practice in the State of Illinois. If Mudge is a qualified attorney, he must file an appearance in this matter; if not, GBF must retain an attorney prior to filing any additional pleadings in this case.

The petition fails to supply much of the information required in Section 104.204 of the Board's procedural rules for variances. 35 Ill. Adm. Code 104.204. GBF is directed to provide the following additional information to the Board:

1. A detailed description of the affected area, including a map depicting the GBF facility in relation to surrounding communities, a description of surrounding land use (residential, commercial or industrial) and the location of air monitoring stations in the vicinity of the affected source.
2. A detailed description of its current operations at the facility in question, including information about what it manufactures at the site, the number of emission units at the site and pollution control devices, etc.

3. Information concerning the nature and amount of materials used in GBF's printing process. Such information should include the VOM content of the various inks and cleaning solutions used at the facility.
4. The emission data presented in exhibit F of the petition shows a decrease in the annual emissions for the nonheat press (equipment number p15) when the HSOXIDIZER is used. Since the petition states that the HSOXIDIZER is used only for heatset presses, explain why the emissions data represents an emission reduction attributed to the HSOXIDIZER for a non-heatset press. If a pollution control device other than the HSOXIDIZER is used to control the emissions from the non-heatset presses, the petitioner must describe the device pursuant to Section 104.204(b)(7) of the Board's regulations.
5. Economic information to support the claim that the cost of operating the pollution control device would threaten the viability of the company's operations at Skokie and Princeton.
6. A more detailed analysis of the impact on human health or the environment of the VOM emissions from the Skokie facility. Such an analysis should include a comparison of the facility emission with the total emissions from other sources in the affected area.
7. A more detailed explanation of the applicable requirements of the Clean Air Act (CAA) and regulations thereunder to show that the variance may be granted consistent with the CAA.
8. GBF has requested a five year variance, but appears to be seeking permanent relief generally provided by an adjusted standard under Section 28.1 of the Environmental Protection Act (415 ILCS 5/28.1 (2000)) and the Board's procedural rules at 35 Ill. Adm. Code 104.400. In this regard, the Board notes that at present GBF is in compliance with 35 Ill. Adm. Code 218.405(e). Other than stating that it will utilize the pollution control device if VOM emission levels approach 100 pounds per day, the petition does not include a compliance plan that shows how it would comply with the emission control requirements at the end of the variance term. In light of this, GBF must explain why a variance is the appropriate

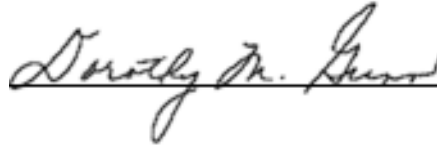
In the petition, GBF has attempted to waive hearing in this matter. This raises two issues. USEPA must approve any variance that may affect the Illinois State Implementation Plan (SIP), and the CAA requires that a hearing must be held before a variance is granted. If this variance will affect the SIP, GBF may not wish to waive hearing. But, if GBF does wish to waive the hearing, an affidavit verifying the facts presented in the petition must be filed.

GBF must file an amended petition curing the noted deficiencies within 45 days of the date of this order or this matter will be subject to dismissal. The filing of the amended petition

required by this order will restart the Board's decision period as stated at 35 Ill. Adm. Code 104.228 and 104.232.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 10, 2002, 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