

ILLINOIS POLLUTION CONTROL BOARD
August 20, 1998

HENKEL CORPORATION,)	
)	
Petitioner,)	
)	
v.)	PCB 99-35
)	(Provisional Variance - Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On August 19, 1998, the Illinois Environmental Protection Agency (Agency) filed a request for provisional variance and notification of recommendation. The Agency recommends that the Board grant a 45-day provisional variance. The provisional variance would allow the petitioner's Kankakee County facility to repair its thermal oxidizer. In making its recommendation, the Agency states that failure to grant the requested provisional variance for 45 days will result in an arbitrary or unreasonable hardship on the petitioner.

The Board grants the petitioner a provisional variance from special permit conditions 4 and 5 of Air Operating Permit Number 72-10-0302. The Board is required, in a provisional variance, to adopt a formal order, assure formal maintenance of the record, assure the enforceability of the variance, and provide notification of the action by press release. Pursuant to Section 35(b) of the Environmental Protection Act (415 ILCS 5/35(b) (1996)), the Board must issue the provisional variance within two days of the filing.

The Board hereby grants the petitioner a provisional variance beginning on July 14, 1998, and expiring on September 2, 1998, subject to the following conditions:

1. During the thermal oxidizer shut down, petitioner shall control hexane emissions from area 69 using the chilled glycol condenser and caustic scrubber.
2. During the thermal oxidizer 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. The actual amounts of volatile organic material emitted to the atmosphere;

- b. the actual time the thermal oxidizer is shut down 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 period specified in condition 2(b) above.

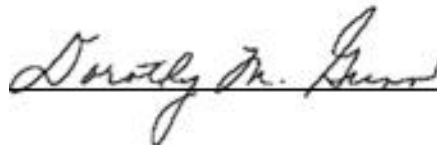
3. Petitioner shall submit the records to:

Illinois Environmental Protection Agency
Bureau of Air
Attention: Yana Kuzenkova
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

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 172 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 20th day of August 1998 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board