

ILLINOIS POLLUTION CONTROL BOARD
June 1, 1995

GRACE CONSTRUCTION)	
PRODUCTS,)	
)	
Petitioner,)	
)	
v.)	PCB 95-159
)	(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)), Grace Construction Products (Grace) has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow Grace's rubberized asphalt facility to continue operating without a pollution control device. This provisional variance is being requested because Grace suffered a fire at its facility on May 10, 1995, resulting in the destruction of the inner workings of its air pollution control device and its Anderson 2000 High Efficiency Air Filter (HEAF) unit with a mist eliminator. This request for a provisional variance and the Notification of Recommendation was filed with the Board by the Agency on Tuesday, May 30, 1995. Pursuant to Section 35(b) of the Act, the Board must issue the variance within two (2) days of this filing.

Specifically, the Agency recommends that we grant Grace a forty-five (45)-day provisional variance for its facility located at 6051 West 65th Street, Bedford Park, Cook County, Illinois from the air pollution control requirements, as set forth in 35 Ill. Adm. Code 218, Subpart QQ and Section 9(b) of the Act, (415 ILCS 5/9(b)), for the period beginning May 16, 1995, and continue for forty-five (45)-days or until the HEAF unit is repaired and operational, whichever comes first.

Upon receipt of the request, the Agency issued its recommendation, notifying the Board that the failure to grant the requested forty-five (45)-day provisional variance would impose an arbitrary or unreasonable hardship on the petitioner.

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)). In provisional variances it is the responsibility of the Agency to make the technical determinations and 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.

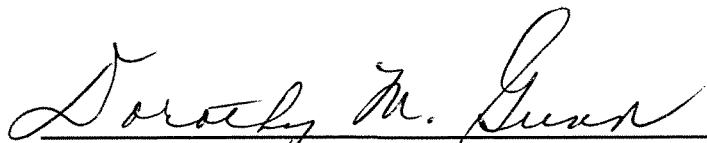
Having received the Agency recommendation notifying the Board that a denial of the requested relief would impose an arbitrary or unreasonable hardship, the Board hereby grants the petitioner a provisional variance from 35 Ill. Adm. Code 218, Subpart QQ and Section 9(b) of the Act, subject to the following conditions:

1. The term of this provisional variance shall commence on May 16, 1995, and continue for forty-five (45)-days or until the HEAF unit is repaired and operational, whichever comes first;
2. In order to minimize volatile organic material emissions during the period covered by the provisional variance, Grace shall operate only one rubberized asphalt mixing tank. The remaining rubberized asphalt mixing tanks shall not be operated until the HEAF unit is back on line;
3. The petitioner shall notify the Agency upon completion of the repairs to the HEAF unit, by sending notification addressed as follows:

Compliance and Systems Management Section
 Attn: Mr. Dave Kolaz
 Illinois Environmental Protection Agency
 2200 Churchill Road, P.O. Box 19276
 Springfield, Illinois 62794-9276

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted on the 1st day of June, 1995, by a vote of 7-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board