

ILLINOIS POLLUTION CONTROL BOARD
April 7, 1988

MOTOR WHEEL CORPORATION,)
)
 Petitioner,)
)
 v.) PCB 88-61
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

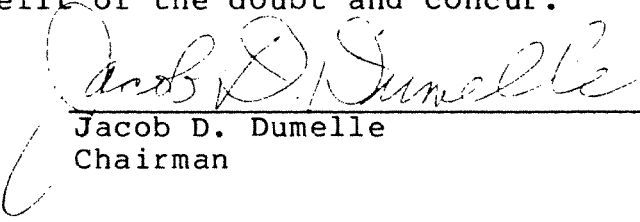
CONCURRING OPINION (by J.D. Dumelle):

While the date for adherence with the 3.5 lbs. of VOC per gallon rule does not appear in the Agency's recommendation I am informed that that date was in 1983.

If that date is correct then it appears that Motor Wheel Corporation recently went out of compliance by using the 4.04 lbs. of VOC per gallon paint.

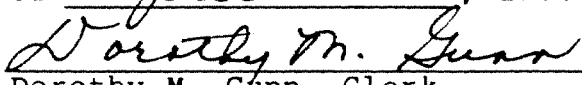
I do not feel that the intent of the provisional variance statute was to legalize a self-imposed violation. I agree that the VOC emissions here are small (about one lb. per day) and almost de minimus. But one should not violate an old Board rule and then use a new contract delivery date as the hardship to receive relief. That amounts to bootstrapping.

The Agency recommendation is fragmentary and does not give needed particulars on the date of initiation and reasons for the new painting system. Because of this sketchiness I give Motor Wheel Corporation the benefit of the doubt and concur.



Jacob D. Dumelle
Chairman

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was submitted on the 8th day of April, 1988.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board