

ILLINOIS POLLUTION CONTROL BOARD
January 18, 2001

BWAY CORPORATION,)	
)	
Petitioner,)	
)	
v.)	PCB 01-106
)	(Provisional Variance – Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On January 16, 2001, the Illinois Environmental Protection Agency (Agency) filed a request for a provisional variance and notification of recommendation. The Agency recommends that the Board grant a 28-day provisional variance to BWAY Corporation (BWAY) for its metal decorating facility, located at 3400 North Powell Avenue, Franklin Park, Cook County, Illinois. The requested variance is from the requirement of using compliant coatings, the requirement of installing a capture and control system and the requirement of installing an afterburner, during repair of its thermal oxidizer.

In making its recommendation, the Agency states that failure to grant the requested provisional variance for 28 days will result in an arbitrary or unreasonable hardship on the petitioner.

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) (1998)), the Board must issue the provisional variance within two days of the filing.

The Board grants the petitioner a provisional variance from 35 Ill. Adm. Code 218.204(b)(1)(B), 218.207(h)(2) and Clean Air Act Permit Program permit condition 7.2.5, subject to the following conditions:

1. The variance begins February 1, 2001, and continues for 28 days.
2. During this provisional variance period, petitioner must minimize the uncontrolled volatile organic material (VOM) emissions from the two coating lines by appropriately scheduling the coating operations to lower VOM emissions as much as practicable, both to reduce the VOM emissions and any potential odor problem during the period of the variance.

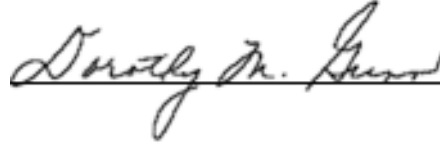
3. During the thermal oxidizer shut down, the petitioner must keep the following records, and submit such records to the Agency within seven days of bringing the thermal oxidizer back on line;
 - a. The actual amount of VOM emitted to the atmosphere.
 - b. The actual time the thermal oxidizer is shut down and the actual time the thermal oxidizer is restarted and brought back on line.
 - c. The schedule of what repairs were made each day that the thermal oxidizer was shut down.
4. When the pollution control equipment is returned to operation following repair, it must be maintained and operated according to the manufacturer's specifications and all applicable regulatory and permit requirements.
5. Petitioner must notify the Agency when its afterburner is shut down by calling Shannon Bilbruck, Division of Legal Counsel, at 217-782-5544 and must notify the Agency in the same manner when the afterburner is again fully operational.
6. Written notification of the shutdown and startup of the afterburner must also be sent to:

Illinois Environmental Protection Agency
Bureau of Air
Compliance Unit
P.O. Box 19276
Springfield, Illinois 62794-9276

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) 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 101.520, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 18th day of January 2001 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board