

people. The solvent fraction of the inks used in printing, coating and laminating of plastic film and paper include materials classified as VOM under the Illinois Pollution Control Board's Air Pollution Control Regulations (35 Ill. Adm. Code 211.122). The VOM emissions from the facility are approximately 450 tons per year. Although Guardian is presently installing control equipment, VOM emissions from the Guardian facility in Batavia are still uncontrolled.

VOM emissions from flexographic and rotogravure printing operations in Illinois are regulated under 35 Ill. Adm. Code 215, Subpart P. Section 215.401 imposes VOM emission limitation on rotogravure and flexographic printing operations; however, until recently, facilities such as Guardian, which emitted less than one-thousand (1000) tons of VOM yearly from rotogravure and flexographic printing operations, were exempt from these limitations (35 Ill. Adm. Code 215.402). Because Guardian could not comply with the requirements of 35 Ill. Adm. Code 215.401 by December 31, 1987, it filed the instant petition for variance with the Board on November 30, 1987. In this petition, Guardian seeks relief from 35 Ill. Adm. Code 215.245 until April 1, 1988, to enable it to install VOM control equipment on its presses. Guardian believes that the proposed controls will satisfy the requirements of Section 215.401 and result in compliance with that rule at the end of the variance period. Guardian's filing of a variance petition within twenty days of the effective date of Section 215.245 stays the enforcement of that rule as to the Petitioner during the pendency of this variance proceeding. Ill. Rev. Stat. ch. 111^{1/2} par 1038(b)(1985); 35 Ill. Adm. Code 104.102.

PETITIONER'S COMPLIANCE PLAN

After a review of the commercially available control technologies applicable to their industry and plant, Guardian has decided to control the VOM emissions from its printing operation through a combination of thermal/catalytic incineration and the use of complying material in one of the flexographic presses. Guardian has contracted for the installation of an incinerator and ancillary equipment at the Batavia plant. The incinerator has been installed. Duct work, hooding and belt guards still need to be installed to complete the project. Guardian believes this work can be completed by April 1, 1988. The transfer to complying material in one of the flexographic presses has already been completed.

HARDSHIP AND ENVIRONMENTAL IMPACT

Absent a grant of variance, the Agency can not issue 1988 operating permits to Guardian. Absent operating permits, Guardian could not legally conduct its current operations. On this basis, there would be unquestionable hardship associated with denial of the requested variance.

Contrasting with the hardship is the issue of environmental impact. The materials emitted from Guardian's operations do have a slight solvent odor, although no odor complaints have been recorded. Additionally, Kane County and the nearby Chicagoland area have been designated as areas for which ambient air quality standards for ozone have not been attained. The ozone monitor located closest to the Guardian facility is at Larsen Junior High School in Elgin. In 1986 and 1987, no ozone exceedances were detected at this monitor. However, there were multiple exceedances of the ozone AAQS in the Chicago metropolitan area (Air Quality Control Region) in 1987. As a major hydrocarbon source in an ozone non-attainment area, Guardian contributes, to an unquantified degree, to the "frequent, pervasive and substantial" violations of the ozone AAQS in northern Illinois. Granting of the requested variance therefore will adversely impact the air quality of Kane County, and surrounding regions. However, Guardian's compliance program, if successful, will significantly reduce the amount of VOM emitted by this facility.

AGENCY RECOMMENDATION

In its variance recommendation of January 13, 1988, the Agency agrees that the Petitioner's compliance plan is a workable plan, that the reasons for delay in coming into compliance were unforeseeable, and that the failure to grant a variance would result in an arbitrary or unreasonable hardship. The Agency also states that it has reviewed the petition for variance, the applicable air quality standards, the most recent Illinois Annual Air Quality report and all other information which would normally be necessary to obtain approval of a revision to the SIP by USEPA, and they believe that if the Board grants the variance as requested, it will be approved as a SIP revision should 35 Ill. Adm. Code 215.245 be approved as part of the Illinois SIP. For the aforementioned reasons, the Agency recommended that the variance be granted subject to the conditions incorporated into this Order.

SUMMARY

The Board notes that the environmental impact is relatively small and the time over which Guardian would be out of compliance, by the terms of the variance, would be relatively short. On this basis, the Board must conclude that the hardship associated with denial of the variance, would be arbitrary or unreasonable. The Board will grant the requested variance, subject to conditions intended to insure that Guardian expeditiously comes into compliance.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

Petitioner, Guardian Packaging Corporation, is hereby granted variance from 35 Ill. Adm. Code 215.245 subject to the following conditions:

- 1) The variance expires on April 1, 1988.
- 2) During the term of this variance, Guardian shall submit monthly written reports to the Agency detailing all progress made in achieving compliance with 35 Ill. Adm. Code 215, Subpart P at its plant located at 475 Kirk Road, Batavia. The first monthly report will be due thirty (30) days from the date of the Board order granting the variance. These monthly reports shall include monthly VOM emission data from each printing press. The first monthly report shall also include copies of material data sheets showing the composition (in terms of percentage of solid, solvent and water) of all inks and coatings used during the flexographic and rotogravure printing processes. All of the above information shall be submitted to the Agency at the following address:
 - A. Manager, Permit Section
Division of Air Pollution
Control
Illinois Environmental
Protection Agency
1340 N. Ninth Street
Springfield, IL 62702, and
 - B. Manager, Field Operations
Section
Division of Air Pollution
Control
Illinois Environmental
Protection Agency
1701 S. First Avenue
Suite 600
Springfield, IL 60153
3. Petitioner shall abide by all conditions of construction Permit No. 86120041, issued April 9, 1987.

- 4. Petitioner shall not operate the thermal incinerator until an operating permit is issued by Agency, pursuant to Section 35 Ill. Adm. Code 201.143.
- 5. Within forty five (45) days after date of the Board Order, the Petitioner shall execute and send to:

Mr. Joseph R. Podlewski, Jr.
 Enforcement Attorney
 Illinois Environmental Protection Agency
 1701 S. First Avenue
 Suite 600
 Maywood, IL 60153

A certification of its acceptance of this variance by which it agrees to be bound by its terms and conditions. This forty-five (45) day period shall be held in abeyance for any period during which this matter is being appealed. If the Petitioner fails to execute and forward this agreement within the forty-five (45) day period, the variance shall be void. The form of the Certification shall be as follows:

CERTIFICATION

Guardian Packaging Corporation hereby accepts and agrees to be bound by all terms and conditions of the Order of the Pollution Control Board in PCB 87-190 dated March 24, 1988.

 Petitioner

 By: Authorized Agent

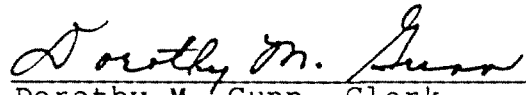
 Title

 Date

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1985 ch. 111¹/₂ par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 24th day of March, 1988, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board