

ILLINOIS POLLUTION CONTROL BOARD  
February 23, 1989

IN THE MATTER OF: )  
 )  
ALLSTEEL, INC. ADJUSTED RACT ) AS-88-3  
PETITION PURSUANT TO )  
35 ILL. ADM. CODE 215. SUBPART I. )  
 )

PERCY L. ANGELO AND VINCENT S. OLESZKIEWICZ, OF MAYER, BROWN & PLATT, APPEARED ON BEHALF OF ALLSTEEL, INC.

JAMES MORRIS APPEARED ON BEHALF OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY.

OPINION AND ORDER OF THE BOARD (by J. Marlin):

This matter comes before the Board on an August 4, 1988 Petition filed by Allsteel, Inc. (Allsteel) pursuant to 35 Ill. Adm. Code 215, Subpart I, Adjusted RACT Emissions Limitations. On June 3, 1988, Allsteel filed its Notice of Intent to file a Petition for Adjusted RACT Emission Limitation.

Public Act 85-1321, which became effective August 31, 1988, amends Section 10 of the Environmental Protection Act (Act) by adding the following language:

Any person who prior to June 8, 1988, has filed a timely Notice of Intent to Petition for an Adjusted RACT Emissions Limitation and who subsequently timely files a completed petition for an adjusted RACT emissions limitation pursuant to 35 Ill. Adm. Code, Part 215, Subpart I, shall be subject to the procedures contained in Subpart I but shall be excluded by operation of law from 35 Ill. Adm. Code, Part 215, Subparts PP, QQ and RR, including the applicable definitions in 35 Ill. Adm. Code, Part 211. Such persons shall instead be subject to a separate regulation which the Board is hereby authorized to adopt pursuant to the adjusted RACT emissions limitation procedure in 35 Ill. Adm. Code, Part 215, Subpart I. In its final action on the petition, the Board shall create a separate rule which establishes Reasonably Available Control Technology (RACT) for such person. The purpose of this procedure is to create separate and independent regulations for purposes of SIP submittal, review, and approval by USEPA.

Section 215.260, of Subpart I, provides that the Notice of Intent must be filed within 60 days after the effective date of the Subpart and that a Petition must be filed within 120 days after the effective date of the Subpart. Subpart I became effective on April 8, 1988. Pursuant to Section 101.105, the computation of the time period begins with the first business day following "the day on which the act, event, or development occurs." Given this computation method, Allsteel's Notice of Intent and Petition were both timely filed. As a result, the provisions of P.A. 85-1321 apply to Allsteel.

Public Act 85-1321 provides that the Board is "authorized to adopt pursuant to the adjusted RACT emissions limitation procedure in 35 Ill. Adm. Code Part 215, Subpart I" a "separate regulation" for persons who meet the specific requirements set forth by P.A. 85-1321. As stated above, Allsteel meets those requirements. Subpart I was promulgated by the Board in Docket R86-18 which is commonly referred to as the Generic Rule. The control requirements of the Generic Rule are provided in Subparts AA, PP, QQ, and RR of Part 215. The Board adopted the Generic Rule on April 7, 1988. 12 Ill. Reg. 7284, 7311 (April 22, 1988). However, persons who fall under the applicability of P.A. 85-1321 are "excluded by operation of law" from Subparts PP, QQ and RR.

Subpart I of Part 215 was adopted by the Board pursuant to the authority of Section 28.1 of the Act. When Subpart I was promulgated<sup>1</sup>, that Section provided:

In adopting a regulation of general applicability, the Board may provide for the subsequent determination of an adjusted standard for persons who can justify such an adjustment consistent with subsection (a) of Section 27 of the Act. The regulation of general applicability shall specify the level of justification required of a petitioner to qualify for an adjusted standard. The rule-making provisions of the Illinois Administrative Procedure Act in Title VII of this Act shall not apply to such subsequent determinations.

Ill. Rev. Stat. 1987, ch.  
111<sup>1/2</sup>, par. 1028.1.

The Generic Rule provided a mechanism by which the Board could determine adjusted standards for that rule. Subpart I of

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<sup>1</sup>The Board notes that Section 28.1 was amended by P.A. 85-1048, effective January 1, 1989.

the Generic Rule prescribed this adjusted standard procedure. Public Act 85-1321 excludes Allsteel from requirements of the Generic Rule (Subparts PP, QQ, and RR), yet it retains the adjusted standard procedure to be used for Allsteel. Adjusted standards are determined by Board Order and are not subject to the rule-making requirements of the Illinois Administrative Procedure Act (APA). Although P.A. 85-1321 uses the term "regulation", it is clear that the General Assembly has required the Board to utilize the adjusted standard procedure of Subpart I, not the rulemaking procedure of the APA, when adopting control requirements for the emission sources that are subject to P.A. 85-1321. These adjusted standards, adopted by the Board, will have similar force and effect as standards promulgated through the rule-making process.

Therefore, the Board's role is to adopt a RACT volatile organic material (VOM) standard for Allsteel, pursuant to the procedures of Subpart I. This standard will be considered separate and independent from other Board determinations for the purposes of the State Implementation Plan (SIP) review by the U.S. Environmental Protection Agency (U.S. EPA).

Subpart I puts the burden of proof upon the petitioner, in this case, Allsteel. The Illinois Environmental Protection Agency (Agency) filed a Response to Allsteel's Petition on September 22, 1988. A hearing was held on October 6, 1988. The Mayor of the Village of Montgomery attended the hearing; no other members of the public were present. Both Allsteel and the Agency filed post-hearing comments on November 4, 1988. Allsteel filed Reply Comments on November 14, 1988. The Agency filed no Reply Comments.

Effectively, Section 215.263 requires Allsteel to show that an 81% reduction in uncontrolled VOM emissions or a limit of 3.5 pounds per gallon (lb/gal) for coating materials is not RACT for Allsteel, and that the emission levels proposed by Allsteel are RACT and would not interfere in the State's plan for achieving ambient air quality standards.

RACT is defined by Section 211.122 as "the lowest emission limitation that an emission source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility".

In its April 7, 1988 Opinion for R86-18, the Board quotes a U.S. EPA comment which expands further on the concept of RACT.

In evaluating economic feasibility for RACT, the Agency (U.S. EPA) gives significant weight to cost-effectiveness. However, no specific cost-effectiveness threshold exists to determine RACT. Numerous other factors, (i.e., age of facility, quantity of emissions, nature of emissions, severity of

existing air quality problems, extent of controls present, comparability to standard industry practice in related industries, cross media impacts, economic impacts, etc.) must be considered in establishing RACT.

In The Matter of: Organic  
Material Emission  
Standards and Limitation:  
Organic Emission Generic  
Rule, R86-18, (April 7,  
1988). slip op. at 39.

The facility at issue in this matter is Allsteel's manufacturing plant located in Montgomery, Kane County. The facility manufactures office furniture and employs between 1600 and 1800 people. Construction of the plant began in 1957 and has continued over time in various stages. According to Allsteel, it paid over \$1.6 million in state and local taxes in 1987. (R.11-12).

If Subpart PP of the Generic Rule were to apply to Allsteel, Allsteel would have to control emissions from two adhesive curing ovens: the panel slab curing oven and the Number 2 desk top curing oven. (R.11; Ag. Response, p.1). The control requirements of Subpart PP would not apply to emissions of curing ovens for furniture adhesive if emissions were less than 10 tons per year (tpy).

With regard to the panel slab curing oven, the Agency takes the position that the oven emits 20% to 30% of the estimated 37.5 tpy of VOM emission produced by the panel slab adhesive coating operation. (Ag. Response, Attach #5). Using this assumption the panel slab curing oven emissions are calculated at 7.5 to 11.25 tpy<sup>2</sup>. Allsteel has estimated compliance control costs for this oven to be \$12,000 per ton of VOM removed. (R.13). The Agency takes the position that the current level of Allsteel's panel slab emissions is RACT and that further controls are not necessary. (Ag. Response, p.1).

According to Allsteel, the Number 2 curing oven of the desk top line has an annual VOM emission rate of 11.2 tons. Allsteel further asserts that the actual emissions from this oven are less than that figure, since the 11.2 tpy value is computed from total solvent usage and some of the solvent is disposed of in wastes. (R.17).

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<sup>2</sup> The Board notes that the Agency gives an emission value of 13 tpy for the panel slab oven in its post-hearing comments.

Allsteel contends that control of these emissions with an afterburner system is technically infeasible and economically unreasonable, even if it were assumed to be technically feasible. The alternative options of installing an afterburner interior and exterior to the plant were investigated. In both scenarios, the emissions from the Number 2 desk top oven would be combined with the emissions from a smaller adjacent oven (which would not have been subject to Subpart PP) to provide for control on a total of 15.7 tpy of VOM (Ag. Response, p.1).

Allsteel cited a number of difficulties with the possibility of an exterior afterburner. The Number 2 desk top is located approximately 480 feet from the closest exterior wall. (R.20). According to Allsteel, the desk top line could not be moved without disrupting the assembly line production floor. Allsteel would house the afterburner in a building to prevent access by way of adjacent parking lots as well as for aesthetic purposes. Costs for an exterior afterburner, including extra fans, duct work and a building to house the unit were estimated by Allsteel at \$5,585 per ton of VOM removed. This assumes a 93% control of 15.7 tpy.

As for an interior afterburner, Allsteel's manager of facilities and plant engineering, Dennis Ruetten, stated that "[s]uch an installation is simply infeasible as a matter of safety as well as maintenance and operational considerations". Ruetten maintained that there was no room to install an incinerator above the curing oven since the smallest available incinerator is 5 feet 2 inches in diameter and there is only an available clearance of 4 feet 1 inch. Ruetten stated:

Even if space were available, indoor installation would obstruct operator sight lines necessary to supervise and avoid problems in the process, interfere with lighting, result in insufficient maintenance access, and require enclosure for safety reasons.

(R.14).

Allsteel estimates the cost effectiveness of an interior incinerator at \$5,095 per ton of VOM removed.

At hearing, the Agency supported Allsteel's position that its current levels of emission are RACT. The Agency pointed out that the use of control devices on the type of ovens at issue is "not common practice and could pose additional unforeseen risks and costs". (R.36). Allsteel contends that none of its principal competitors have to comply with such control requirements since they are located in attainment areas for ozone. (R.18).

The Agency accepts Allsteel's cost effectiveness values as being conservative, or at the low end of a range. The Agency takes the position that given such costs, the relatively small amount of emissions involved and the absence of other justifying factors, the costs to comply with reductions equivalent to that which would have been imposed by Subpart PP are excessive.

Allsteel states that the average VOM content of the adhesives it uses is 5.5 lb/gal. (R.12). The Agency accepts Allsteel's proposition that it cannot find non-VOM or lower VOM solvent-based adhesives which would meet Allsteel's specifications. The Agency states that Allsteel has lowered the VOM content of the panel slab adhesive from 81% to 75%. (See Ag. Response, Attach. #5). Allsteel takes the position that it will be unable to further reduce VOM concentrations in any significant way, because adhesive characteristics are dependent on the viscosity which is in turn determined by solvent content. The desk top adhesives must meet a strict product specification which makes it even more unlikely to find a lower VOM adhesive for that line, according to Allsteel. Additionally, Allsteel asserts that it now applies adhesives by rollcoating, rather than spraying, whenever possible. According to Allsteel, this operational change has reduced the VOM emissions from the desk top line by 50% since 1986. (R.17).

In short, Allsteel and the Agency both conclude that Allsteel's current emissions are RACT.

The emissions from the panel slab line curing oven and the Number 2 desk curing oven are relatively small. Afterburner controls for these emission sources would be difficult to implement, at best, and relatively costly on a cost-effectiveness basis.

Given all the circumstances of this particular situation, the Board finds that an 81% reduction of uncontrolled emissions or a 3.5 lb/gal VOM limit upon adhesives would not constitute RACT for Allsteel's Montgomery facility. Instead, Allsteel's current emission levels constitute RACT.

While Allsteel is located in Kane County which is considered a non-attainment area for the air quality standard for ozone, the Board finds that since Allsteel is implementing RACT, its emissions will not interfere with the State's progress toward achieving ambient air quality standards.

Both the Agency and Allsteel have substantively agreed to the proposed language for the standard which will apply to Allsteel. The standard will provide for two different limitations of VOM content for adhesives. A limit of 5.20 lb/gal will regulate adhesives which are applied as a spray and 5.55 lb/gal of VOM will be the limit for adhesives which are applied by rollcoating.

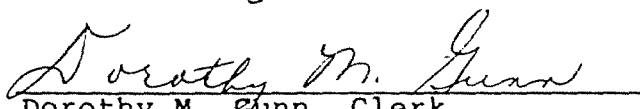
ORDER

Pursuant to the authority of Section 10 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 $\frac{1}{2}$ , par. 1010), as amended by Public Act 85-1321, the Board hereby adopts the following volatile organic material (VOM) emission standards applicable to the Allsteel, Inc.'s (Allsteel) office furniture manufacturing facility located in Montgomery, Kane County. Allsteel shall not use adhesives which exceed 5.20 pounds per gallon (lb/gal) of VOM for adhesives which are applied as a spray and 5.55 lb/gal of VOM for adhesives which are applied by rollcoating.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1985 ch. 111 $\frac{1}{2}$  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 23<sup>rd</sup> day of February, 1989, by a vote of 7-0.

  
 Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board