

ILLINOIS POLLUTION CONTROL BOARD
September 8, 1988

ROADMASTER CORPORATION,)
)
 Petitioner,)
)
 v.) PCB 87-136
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

BARBARA B. COLLINS, OF MORSE, GIGANTI AND APPLETON, APPEARED ON BEHALF OF THE PETITIONER

MS. BOBELLA GLATZ APPEARED ON BEHALF OF THE RESPONDENT

OPINION AND ORDER OF THE BOARD (by M. Nardulli):

This matter comes before the Board from a Petition for Variance filed on behalf of Roadmaster Corporation (hereinafter "Roadmaster") of Olney, Richland County. The original petition was filed on September 17, 1987. The petition was amended on April 8, 1988 to request that the request for variance be extended from December 31, 1990 to December 31, 1992. The petition was further amended on July 22, 1988, to include, as an alternate compliance plan, a request for site specific relief. The Petition for Site Specific Relief was filed on July 19, 1988. Roadmaster is seeking variance from the Emission Limitation for Manufacturing Plants in 35 Ill. Adm. Code 215.204(j)(3). The requested period for variance is until December 31, 1992. The Agency filed a Recommendation to deny on January 20, 1988.

A public hearing was held on April 14, 1988 in Olney. No members of the public were present. Post hearing briefs were submitted by the Respondent on May 17, 1988 and by the Petitioner on July 29, 1988.

Based on the record, the Board finds that Roadmaster fails to justify its request for variance based on its Compliance Plan that would require it to search for compliance coating. This compliance plan fails to develop a timetable for compliance, does not address the issue of environmental impact of the actual and allowable emissions and fails to supply meaningful information on the cost of compliance that would allow the Board to make a determination of hardship. The Board is hesitant to grant a

variance without stronger assurances that Roadmaster will be in compliance with Section 215.204 after the variance has terminated.

However, the Board appreciates the fact that the Petitioner is in a highly competitive industry and is a major employer in Richland County. The Board also recognizes the fact that Roadmaster's Olney plant is located in an attainment area for ozone and that the VOM released from the plant appears to have a very minor harmful environmental impact. Further, the Board feels that the Petitioner may be able to get relief from the requirements of Section 215.204 by using the internal offset rule from Section 215.207 to achieve compliance. In order to allow the Petitioner time to pursue alternative means of compliance, the Board will allow a curtailed period of variance subject to conditions.

BACKGROUND

Roadmaster is a manufacturer of fitness equipment, bicycles, tricycles and wagons. Roadmaster currently employs over 600 employees in a 720,000 square foot plant, located in Olney, Richland County. The operation includes metal fabrication, plastic molding, plating, painting and warehousing. Painting is performed on five coating lines with the three electrostatic paint lines being in compliance (R. 31). The variance is requested for two flowcoating application lines. Roadmaster uses the flow coating process for several white and black component parts, such as wagon undercarriage assemblies, tricycle wheels and bicycle stabilizer arms. The 1986 usage of white flow coat was 3458 gallons. The 1986 usage of black flow coat was 1896 gallons.

The two flow coating processes release volatile organic material (hereinafter "VOM") into exhaust outlets which are vented through the roof of the facility. The white flow coats possesses a VOM content of 3.9 pounds per gallon. The black flow coat possesses a VOM content of 4.8 pounds per gallon. A maximum of 3.5 pounds per gallon of VOM is allowed under Section 215.205(j)(2) which regulates emission limitations for air dried coatings for metal products in manufacturing plants. In 1986, Roadmaster emitted approximately 92,000 pounds of VOM from the Olney plant.

The State of Illinois was required to have an approvable ozone State Implementation Plan (SIP) by December 31, 1987. 35 Ill. Adm. Code 215.204(j) has not yet been approved by the United States Environmental Protection Agency as part of the SIP to attain and maintain primary and secondary air quality standards under the Clean Air Act (42 U.S.C. Section 7401 et seq). If the recommended variance is granted by the Board subsequent to approval of 215.204(j), a SIP revision will be necessary for the state to be in compliance.

Richland County is considered attainment for all criteria pollutants. During 1986, there were no measured exceedances of the ozone standard at the nearest ambient air monitoring station for ozone at Effingham which is approximately forty miles away. However, the highest reading during 1986 was 0.117 ppm which is below the standard of 0.12 but relatively close to the standard.

PETITIONER'S COMPLIANCE PLAN

In the petition for variance filed with the Board on September 17, 1987 and amended on April 8, 1988 and July 22, 1988, Roadmaster indicates that its ability to comply with the requirements of Section 215.204(j) is dependent on the ability of the paint manufacturers to formulate a waterborne coating that would be compatible with the present coating operation and would be cost efficient. The Petitioner proposes to undertake a detailed study to examine the possibility of using internal offset to reach compliance if no compliance coating is found to meet its needs by December 21, 1991. Roadmaster amended its petition on July 22, 1988 to include an alternative compliance plan -- to seek a site specific rule by adding a new subparagraph to Rule 215.206 to read as follows:

"(d) Notwithstanding the limitations of Section 215.204(j)(3), the Roadmaster Corporation, Olney, Illinois, shall not cause or permit the emission of volatile organic material from its existing black and white flowcoating operations to exceed a weekly average of 5.9 lb./gal."

The Petition for Site Specific Relief was filed on July 19, 1988 and is being considered by the Board as case R88-19. Roadmaster's compliance date of December 31, 1992 has been proposed by the Petitioner without a coinciding plan to come into compliance by that date. Petitioner has no guarantee that a compliance coating can be found by that date. No measures to further reduce emissions during the variance period were proposed, although the Petitioner maintains that the continued use of high solid spray coatings will allow it to generate a significantly lower total amount of VOM in 1988 than in 1987.

HARDSHIP AND ENVIRONMENTAL

In its petition for variance, Roadmaster states that, at the present time, compliance with Section 215.204(j) cannot be achieved on the two flow coat lines because of the failure of waterborne coatings and the lack of a reasonable alternative. In

its recommendation, the Agency argues that inadequate cost information has been given to determine if a hardship exists but goes on to state that using the limited cost information available, insufficient hardship has been shown.

At hearing, the Petitioner emphasized that it is in a highly competitive industry and has only recently been able to bring the company back to marginal profitability (R. 15). They also note that its major domestic competition, the Huffy Corporation plant located in Ohio, has a complete exemption from the "Ohio Coating Rules" (R. 53). Roadmaster argues that failure to grant this requested variance would put them at a competitive disadvantage and doing so would result in an arbitrary or unreasonable hardship.

Contrasting with the issue of hardship is the issue of environmental impact. The materials emitted from Roadmaster have a slight solvent odor. However, no odor complaints have been recorded. Additionally, Richland County is considered an attainment area for ozone. The nearest ambient air monitoring station is located in Effingham which is forty miles southwest of Olney. During 1986, the highest ozone readings at this monitoring station was 0.117 ppm. The standard for ozone is 0.12 ppm. Granting of the requested variance will adversely affect the air quality of Richland County and the surrounding region. However, the region will still be an attainment area for ozone and the harmful environmental impact, due to transport to non-attainment areas, would seem to be minor.

AGENCY RECOMMENDATION

In its variance recommendation of January 20, 1988, the Agency contends that the Petitioner has not provided the Board with sufficient information with regard to its chosen compliance plan, alternatives investigated or the costs involved to enable the Agency to recommend grant consistent with the requirements of the Clean Air Act. The Agency questions whether the Petitioner's chosen method of compliance is feasible. It also states that the Petitioner cannot support its claim of hardship without providing more complete economic data.

For these reasons, the Agency recommends denial of the variance. However, Agency's recommendation suggests that if the Board should decide to grant the variance, such variance should be subject to the following conditions:

1. That the variance period end on December 31, 1988.
2. That if, at any time during this variance period, Petitioner is informed by paint manufacturers that

a coating material for the white flowcoater cannot be formulated, Roadmaster be required to proceed with an alternate compliance strategy during the term of the variance and be required to implement this strategy by June 30, 1989.

DECISION

The Board notes with that the petition for variance for the length of time requested is deficient in a number of areas. The Petitioner has failed to show arbitrary or unreasonable hardship and has failed to ensure that they will be in compliance at the end of the variance period. The required information not included in the petition is vital for the Board to determine the impact the variance would have, as well as to ensure the Board that the compliance target date will be met. Without this information the Board is hesitant to grant a variance.

However, the Board feels that Petitioner has not fully pursued all of its alternatives for compliance. There appears to be a possibility that the Olney plant may be in compliance with the requirements of Section 215.207. However, Roadmaster has not fully investigated the possibility of using internal offsets to come into compliance. At hearing, George Nebel, President of Roadmaster, testified that the problem associated with using internal offsets at the plant were due to the variety of colored paints used, the number of changeovers per line per day and the number of applications per line (R. 31). In its compliance plan, Roadmaster stated that it would further investigate internal offsets if a compliance coating was not found in the next two years.

The Board feels that the Petitioners should promptly investigate internal offsets to determine if it is in compliance with 215.207 or to determine if it would be possible to come into compliance through a combination of internal offsets and a lower VOM coating.

The Board is persuaded that the Petitioner would suffer an arbitrary or unreasonable hardship if short term relief is not granted and that the environmental impact of the granting of relief will be minor. The Board will grant a one-year variance to allow the Petitioner additional time to come into compliance.

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

ORDER

Petitioner, Roadmaster Corporation, is hereby granted variance from 35 Ill. Adm. Code 215.204(j) until September 30, 1989 subject to the following conditions:

1. Roadmaster Corporation's Olney Plant shall not emit volatile organic material from its white flow coat application line greater than the present 3.9 pounds per gallon of coating. The black flow coat application line shall not emit volatile organic matter greater than the present 4.8 pounds per gallon.
2. Roadmaster will conduct, or authorize, a study to examine the possibility of using internal offset to reach compliance. This study shall be concluded by May 31, 1989 and the results shall be reported to:

Air Pollution Control Division
Illinois Environmental
Protection Agency
2200 Churchill Road
Springfield, IL 62794

3. Roadmaster shall continue to search for compliance coatings and shall submit quarterly progress reports during the variance period, detailing its progress in coming into compliance, to the Agency at the address in condition (2) above.
4. If at any time during this variance period, Roadmaster is informed by paint manufacturers that a coating material for the white flowcoater cannot be formulated, Roadmaster be required to proceed with an alternate compliance strategy during the term of the variance and be required to initiate this strategy by June 30, 1989.
5. Within 45 days of the date of this Order, Petitioner shall execute and

forward to the Agency at the address in condition (2) above, a Certification of Acceptance and Agreement to be bound to all terms and conditions of this variance. The 45-day period shall be held in abeyance during any period that this matter is being appealed. If the Petitioner fails to execute and forward this agreement within 45 days, the variance shall be void. The form of said Certification shall be as follows:

CERTIFICATION

I, (We), _____,
having read the Order of the Illinois Pollution Control Board, in PCB 87-136, dated September 8, 1988, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner

By: Authorized Agent

Title

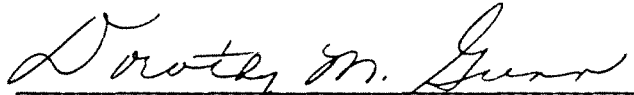
Date

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.

B. Forcade dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 8th day of September, 1988, by a vote of 6-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board