

ILLINOIS POLLUTION CONTROL BOARD
January 24, 1985

AMERICAN CAN COMPANY,)
(HOOPESTON PLANT))
)
Petitioner,)
)
v.) PCB 84-106
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

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

On July 27, 1984, American Can Company (American) filed a petition for variance extension from 35 Ill. Adm. Code 201.243, 215.204(b) and 215 Appendix C [old Rules 104(c), 205 (m) (1) (B), and 205(n)(1)(B) of Chapter 2], volatile organic material (VOM). On October 5, 1984, the Illinois Environmental Protection Agency (Agency) moved to file its recommendation instanter which the Board granted on October 12, 1984. Hearing was held in Hoopeston, Illinois on December 12, 1984. American has waived the decision date until January 25, 1985.

The former VOM variance in PCB 80-213, granted for three years, expired on October 1, 1984 (40 PCB 433, February 5, 1981).

American's Hoopeston plant is located on commercially zoned property at 316-328 West Main Street, Hoopeston, Illinois, and employs 155 people. At the plant sheets of metal are coated and sealing compounds are applied to pre-formed ends. These components are then used to manufacture cans. The processes include the application of sideseam spray coating and end sealing compounds; which contain VOM's. Approximately ninety percent of American's VOM emissions are generated by end-sealing compounds (Ag. Rec. at 4). After application the coating and compound materials are cured in dryers and ovens which exhaust VOM through stacks into the atmosphere.

American is required to comply with 35 Ill. Adm. Code 215.204(b), 215.202, and 35 Ill. Adm. Code Part 215, Appendix C, which provide that on December 31, 1982 the VOM content of the coatings utilized by American shall be limited as follows:

side seam spray coat	5.5 lb/gal
end sealing compound coat	3.7 lb/gal

Americans total side seam spray and end sealing compound coats usage in 1983 was 67,563 gallons (Pet. at 9). Total VOM emmissions have been reduced from 340 tons in 1980 to 145 tons in 1983 (Pet. at 3). Excess VOM emissions were 80.8 tons in 1983 (Pet. at 12).

Reductions in VOM emissions were accomplished by moving the interior and exterior base coating operations to Indiana, installing two welded can lines at a cost of two million dollars, and reformulating three of seven side seam sprays and one of five end sealing compounds to lower VOM content (Pet. at 4,5). American cites a total cost of over three million dollars for its efforts at compliance (Pet. at 5, Gere Aff., par.13).

American has evaluated alternate control strategies such as carbon adsorption and catalytic incineration. The plant structure would need major structural changes in addition to extensive hooding and duct work (Pet. at 16). Because the solvent-based materials are air dried and the VOM concentrations low per unit of air, carbon adsorption and catalytic incineration would not achieve efficient economical VOM destruction (Id.). The only other compliance mechanism is to offset the VOM emissions from one process with lower than allowable emissions from another process. However, there are no other processes at the Hoopeston plant which could generate an offset (Pet. at 17).

During the term of the variance extension, American plans to gradually introduce a multi-purpose sanitary end sealing compound and correct two additional soldered can lines to welded technology (Id.) Low solvent materials will be introduced into the lines as they become available. American thus plans to have all VOM sources in the plant, other than the high fat resistant end sealing compound, in compliance. American, as well as can manufacturers and suppliers, conclude that finding a low solvent replacement for this compound is a national problem and the solution will not be forthcoming in the foreseeable future (Pet. at 20; Gere Aff., par. 20). American plans to either develop a control technology for this compound or to obtain a revision in the VOM limitations for these compounds (Gere Aff., par. 15).

American is located in Vermillion County, Grant Township, an attainment area for ozone. VOM's are precursors of ozone which can have adverse health effects on the elderly and on persons with respiratory and cardiac problems. Acme Barrel v. IEPA, May 18, 1988 PCB 83-118. The closest ozone monitor located at 606 East Grove, Champaign, Illinois recorded no excursions from the 0.12ppm primary and secondary national ambient air quality standard for ozone in 1982 (Ag. Rec. at 7).

American asserts and the Board finds that the granting of variance extension will result in a continued reduction of VOM emissions and thus a minimal adverse environmental impact.

American asserts and the Board finds that to deny the variance extension and mandate immediate compliance would impose an arbitrary or unreasonable hardship on American for the reasons above.

The Board will grant American a variance extension for its Hoopeston plant from 35 Ill. Adm. Code 215 Appendix C, 215.204(b) (5) and (6), and Section 215.202 subject to the conditions below.

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

ORDER

American Can Company (Hoopeston plant), is granted a variance extension from 35 Ill. Adm. Code 215 Appendix C, 215.202, and 215.204(b) (5) and (6) subject to the conditions below:

1. This variance shall begin on October 1, 1984 and expire on December 31, 1987.

2. American shall continue to submit quarterly written reports to the Agency until December 31, 1987 detailing all progress made in achieving compliance with the VOM limitations of 35 Ill. Adm. Code 215.204(b). Such reports shall contain information on the quantity and solvent content of all end-sealing compounds and solvent sprays utilized during the reporting period, as well as a description of the efforts made to develop compliant end-sealing compounds and sideseam sprays during the preceding three months. The progress reports shall also describe in detail the status of negotiations between CMI and the USEPA to revise the VOM limitation for high fat resistant end-sealing compounds. All such information shall be submitted to the Agency at the following addresses:

Illinois Environmental Protection Agency
Division of Air Pollution Control
Field Operations Section
2200 Churchill Road
Springfield, Illinois 62706

Illinois Environmental Protection Agency
Division of Air Pollution Control
115A West Main Street
Collinsville, Illinois 62234

3. Prior to installation of any welding equipment which utilizes compliant sideseam materials, American shall timely apply for, and receive, construction permits from the Agency pursuant to 35 Ill. Adm. Code 201.142.

4. On or before January 1, 1987, Petitioner American shall submit to the Agency at the addresses provided in Condition 2 above a program to install available control technology which will bring the Hoopeston plant into compliance with the applicable rule if it does not reasonably expect to achieve final compliance with those limitations by December 31, 1987 through its reformulation program.

This alternate compliance program shall provide for final compliance with the applicable rule by December 31, 1987 and shall provide for the submittal of quarterly written reports detailing progress made in installing alternative control technology. American shall comply with all applicable rules of the Illinois Pollution Control Board, including, but not limited to 35 Ill. Adm. Code 201.142, in satisfying this permit condition.

5. Within forty-five (45) days of the Board's final Order herein, the Petitioner shall execute and send to:

Mr. Joseph R. Podlewski, Jr.
Enforcement Attorney
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

a certification of 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 which this matter is appealed. The form of the certification shall be as follows:

CERTIFICATION

American Can Co. hereby accepts and agrees to be bound by all terms and conditions of the Order of the Pollution Control Board in PCB 84-106 dated _____, 1984.

AMERICAN CAN CO.

BY: _____
Authorized Agent

Title

Date

IT IS SO ORDERED

Board Member Bill S. Forcade dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 24th day of January, 1985 by a vote of 4-1.

Dorothy M. Gunn

Dorothy M. Gunn, Clerk
Illinois Pollution Control
Board