

ILLINOIS POLLUTION CONTROL BOARD
May 3, 1984

CHICAGO ROTOPRINT COMPANY,)
)
 Petitioner,)
)
 v.) PCB 83-238
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

MR. HARVEY M SHELDON (NISEN, ELLIOT, & MEIER) APPEARED ON BEHALF OF PETITIONER.

MR. PETER ORLINSKY (ATTORNEY-AT-LAW) APPEARED ON BEHALF OF RESPONDENT.

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

Chicago Rotoprint Company (Rotoprint) petition for Variance on December 28, 1983. Rotoprint seeks variance from Section 215.401: Flexographic and Rotogravure Printing in 35 Ill. Adm. Code: Chapter I, Subtitle B: Air Pollution [formerly Rule 205(s)] for two presses located at its facility at 4601 West Belmont Avenue, Chicago, Illinois. Attendant to that Section is Section 215.405: Compliance Dates and Geographical Areas. Pursuant to the latter, Rotoprint's presses were to be in compliance with Section 215.401 by December 31, 1983. The Agency filed its Recommendation in this matter on February 23, 1984, and hearing was held on April 10, 1984. No citizens were in attendance and no public comments have been received by the Board. Petitioner filed a Motion for Expedited Consideration on April 18, 1984 alleging that long term contractual obligations require it to operate the two presses which are the subject of the variance request in mid-May, 1984. That motion is granted.

Rotoprint is a publication printer utilizing the publication rotogravure printing process. That process involves paper and ink; the ink includes pigment binder and solvent; the solvent constitutes 50 percent of the ink and is a mixture of toluene and naphtha. Using this process, Rotogravure prints magazines, mail order catalogues and brochures. Currently 12 publication rotogravure presses are permitted. To comply with Sections 215.401 and 215.405 four presses were eliminated by December 31, 1983 and two solvent recovery systems were installed to control six of the eight remaining presses at a total cost of \$3,182,450. (Pet. pp. 7-8).

These two control systems achieve greater than the 75 percent capture and control efficiency required by Section 215.401. With the reduced press capacity Rotoprint will use only 6,000 tons of solvent per year, as opposed to its historical usage of 9,000 tons annually. Based on this, Petitioner would be required to control 4,500 T/yr, and allowed to emit 1,500 T/yr. However, the Petitioner finds that in actual practice 80 percent control efficiency is achieved, thereby emitting only 1,200 T/yr. Therefore, annually it over controls by approximately 300 tons. (Pet. p. 4).

The two presses, Nos. 7 and 16, which are the subject of this variance are not controlled by the installed solvent recovery systems. However, to meet two long term contractual agreements with Montgomery Ward & Co. and Spiegel, Inc., Rotoprint needs to operate them for approximately 97 days in 1984. (Pet. p.6). At hearing, Petitioner's corporate environmental manager testified that the unique specification of these contracts require the use of these two presses; the job cannot be shifted to controlled presses for approximately 77 days necessary.* (R. 6-7, 3). After the contractual obligations are satisfied and sometime before September 30, 1984, Petitioner plans to shut down these two presses. Since the Petitioner cannot utilize the presses already installed, the possibility of controlling these two presses was explored. It was determined that construction of a carbon adsorption solvent recovery system was physically impossible in sufficient time to meet contractual deadlines. Furthermore, the cost would be approximately \$1 million. Reformulated, compliance inks which would provide the high quality smooth finishes contractually required are not available. (Pet. p. 9).

If granted variance, Petitioner plans to operate two presses for a total of 77 days, emitting 395 tons of volatile organic materials. (Pet. 2, Ex. A). This is a maximum of 296.25 tons in excess of Section 215.204 limits. As far as other contractual obligations will allow, Petitioner will limit emissions from its other presses during the operation of the two non-compliance presses. (Pet. 10). If denied variance, Petitioner alleges arbitrary and unreasonable hardship would result. It could be placed in jeopardy of enforcement under the Act, or on the other hand, subject to potential contractual non-performance. To avoid either alternative, Petitioner would be forced to spend \$1 million dollars for a final run of these presses. Furthermore, since it over controls at six presses for approximately 300 tons per year, annually compliance will be achieved. Petitioner alleges that an alternative control strategy is not available based on the over control factor because it cannot assure that the annual emissions

*The 20 day difference represented in the Petition and at hearing is negligible since the emissions attributable to the jobs will remain the same.

savings will be experienced on a daily or even a monthly level. Therefore, it is not environmentally equivalent.

Petitioner alleges no environmental damage because the 300 additional tons of emissions is of negligible impact on ozone formation. (Pet. pp. 7-8). The Agency, in its Recommendation, stated that extension of the compliance deadline will not cause increased health impairments because Petitioner will be required to comply with its Episode Action Program and will be over controlling at the remaining presses. (Rec. 4).

The Board finds that granting variance in this situation is appropriate. It appears that Petitioner is bound by a contractual agreement entered into before the final adoption of Sections 215.401 and 215.405 which require the use of the two uncontrolled presses. Petitioner has achieved compliance at the remaining presses, and in fact, given the nature of the control equipment, over complied. Petitioner has satisfactorily demonstrated that it needs to operate these presses and yet cannot economically bring them into compliance. The Board is satisfied that any potential public health impact will be minimized by Petitioner simultaneously reducing as much as possible emissions from its controlled presses when operating the two uncontrolled presses and abiding by its Episode Action Plan. Both efforts are especially important since variance is for a period of time traditionally considered the ozone season. The relief requested is granted subject to the conditions set out in the Order below.

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

ORDER

Petitioner, Chicago Rotoprint Company is granted variance from Sections 215.401 and 215.405 of 35 Ill. Adm. Code: Part 215; subject to the following conditions:

- 1) Press Nos. 7 and 16 shall be operated to perform its contractual agreements with Montgomery Ward & Co. and Spiegel's Inc. When these two presses are operating, Petitioner shall minimize operation of the remaining controlled presses as much as contractual obligations will allow.
- 2) On or before October 31, 1984 Petitioner shall submit a report to the Illinois Environmental Protection Agency detailing the following information for each uncontrolled press:
 - a) Total operating hours;
 - b) Total amount of ink consumed;

- c) Average daily emissions;
- d) Total volatile organic emissions during the period of the variance.

Copies of the report are to be sent to:

Environmental Protection Agency
 Division of Air Pollution Control
 Control Programs Coordinator
 2200 Churchill Road
 Springfield, Illinois 62706

Environmental Protection Agency
 Division of Air Pollution Control
 Region 1, Field Operations Section
 1701 South First Avenue
 Suite 600
 Maywood, Illinois 60153

3) Before the Petitioner operates either Press No. 7 or 16, Petitioner shall apply to the Illinois Environmental Protection Agency for all the requisite operating permits pursuant to Section 201.160(a) of 35 Ill. Adm. Code: Part 201.

4) Within 45 days of the Board's final Order herein, Petitioner shall execute a Certification of Acceptance and agreement to be bound to all terms and conditions of the variance. Said Certification shall be submitted to both the Agency at the addresses specified in paragraph two, supra, and to the Illinois Pollution Control Board at 309 West Washington Street, Suite 300, Chicago, Illinois 60606. The 45 day period shall be held in abeyance during any period that this matter is being appealed. The form of said Certification shall be as follows:

CERTIFICATION

_____, hereby accepts and agrees to be
 (Petitioner)
 bound by all terms and conditions of the Order of the Pollution
 Control Board in PCB # _____, dated _____.

(Petitioner)

By _____
(Authorized agent)

(Title)


(Date)

5) Variance for Press Nos. 7 and 16 shall expire on September 30, 1984.

IT IS SO ORDERED.

B. Forcade concurred.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 3RD day of May, 1984 by a vote of 6-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board