

ILLINOIS POLLUTION CONTROL BOARD
April 21, 1983

MOORE AMERICAN GRAPHICS, INC.)
)
 Petitioner,)
)
 v.) PCB 83-1
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
 Respondent.)

MSSRS. AL MOORE, JR., ROBERT J. HAKES AND WALTER NEWTON APPEARED ON BEHALF OF MOORE AMERICAN GRAPHICS.

MR. DUDLEY ROBINSON APPEARED ON BEHALF OF THE PRINTING INDUSTRY OF ILLINOIS ASSOCIATION.

MR. PETER E. ORLINSKY APPEARED ON BEHALF OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY.

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

This matter comes before the Board upon a January 3, 1983 petition for variance filed by Moore American Graphics, Inc. (Moore). Moore requests a one year variance from Rule 205(n)(1)(C) of Chapter 2: Air Pollution, to allow it to delay compliance with the emission limitation for volatile organic compounds (VOCs) discharged from its paper coating lines. On February 14, 1983, the Illinois Environmental Protection Agency (Agency) filed a recommendation that variance be granted, subject to certain conditions. Hearing was held on March 2, 1983 at which no evidence was presented.

Moore owns and operates a facility in Bridgeview which coats and laminates paper book and magazine covers. Included in its facility are four coating machines and three laminating machines which are the subject of the present variance request. The machines in question have associated drying ovens which are vented directly to the atmosphere. Moore's facility is located in an industrial area, and the nearest residences are located nearly one-half mile to the south. The Agency has received no complaints concerning the facility's operation, nor has anyone objected to the variance. The area has been designated as non-attainment for ozone, although during 1981 the 0.12 ppm standard for ozone was exceeded only once. The closest monitoring station is about four miles to the northeast.

The coatings utilized by Moore contain VOCs which are emitted during production. Rule 205(j) of Chapter 2 requires that paper coating operations must be in compliance with Rule 205(n)(1)(C) of Chapter 2 by December 31, 1982. That rule limits VOC emissions to 0.35 kg/l (2.9 lb/gal).

VOCs contribute to the formation of ozone, high levels of which can have adverse health effects on the elderly and persons with respiratory and cardiac problems. The Agency believes, however, that the extension of the compliance deadline sought by Moore should not cause any increased health effects. Any potential for adverse effects should also be reduced by requiring Moore to comply with its episode action plan which mandates a reduction of emissions during periods of high ozone concentration.

In 1982, Moore utilized an estimated 29,380 gallons of laminating adhesive with an average VOC content of 4.7 lb/gal and an estimated 22,350 gallons of coating material with an average VOC content of 4.3 lb/gal. Thus, in 1982, VOC emissions from the laminating and coating machines were 117.11 tons. If Rule 205(n)(1)(C) of Chapter 2 had been in effect in 1982, Moore's VOC emissions would have been limited to 75.02 tons.

Moore alleges that it has been unable to meet the compliance date since a customer-acceptable, water-based coating or adhesive has yet to be developed. Since 1979, Moore has been working with its suppliers to develop acceptable substitute adhesives and coatings. It has also explored the possibility of installing thermal incineration, catalytic incineration, electronic and charcoal filtration, and solvent recovery. To date, none of the solutions has proven satisfactory because the substitute coatings and adhesives have not conformed to customer specifications and the cost of installing and operating control equipment has been determined to be prohibitive. Incineration would entail a capital cost of at least \$35,000 and operating costs would be \$35,000 to \$40,000 per year.

In the immediate future Moore plans to pursue solvent recovery techniques and to hold full one day tests on water-based materials at least once every two weeks. It feels that this route is the best plan for achieving compliance, but each supplier contacted to date has reported that it is still in the experimentation stage and that low-solvent technology is in its infancy. However, Moore alleges, and the Agency agrees, that it should be able to attain compliance by December 31, 1983.

Based upon these facts, the Board finds that Moore has been diligently attempting to comply with the VOC limitation and that it intends to continue to do so. It is unlikely that Moore's discharges would cause or contribute to a violation of the ozone standard since its episode action plan should provide sufficient safeguards during periods of high ozone concentration. Further,

non-compliance is requested for only eight months. It would be unreasonable for the Board to impose substantial costs upon Moore to attain immediate compliance when there is a substantial probability of new technology being developed during the variance period which would allow compliance to be attained at a much lower cost.

The Board will condition this variance upon the use of coating materials which have a VOC content less than or equal to the presently used materials. A preferable technique would be to impose a limitation upon the total emissions of VOCs as well. Unfortunately, the information presented in the record is insufficient to establish such a limitation. The only figures given are for 1982 emission levels. No indication is given as to potential, or even expected, levels, despite the fact that an increase in production (as may be expected in a period of economic recovery) will result in increased emissions. In the future, such petitions should include historical monthly emission levels (for the last five years, especially during the ozone season of May to October, if possible), projections of emission levels during the period of variance, and potential emissions based upon production capacity.

However, the Board finds that denial of the requested variance would cause an arbitrary or unreasonable hardship upon Moore and concludes that variance should be granted subject to the conditions recommended by the Agency, which were not objected to by Moore in addition to a condition requiring Moore to pursue compliance alternatives in the manner it has indicated it would proceed.

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

ORDER

Moore American Graphics is hereby granted a variance from Rule 205(n)(1)(C) of Chapter 2: Air Pollution, until December 31, 1983, subject to the following conditions:

1. Moore shall pursue solvent recovery techniques, shall hold full one day tests on water based materials at least once every two weeks and shall make a good faith effort to achieve compliance with Rule 205(n)(1)(C) as expeditiously as possible.
2. On or before May 20, 1983, and every third month thereafter, Moore shall submit written reports to the Agency detailing all progress made in achieving compliance with Rule 205(n)(1)(C) of Chapter 2. Said reports shall include information on the quantity and VOC content of all coatings utilized during the reporting period, a description of the status of the reformulation program, and any other information which may reasonably be requested by the Agency. The reports shall be sent to the following addresses:

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

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

3. On or before May 20, 1983, Moore shall apply to the Agency for all requisite operating permits pursuant to Rule 103(b)(6)(A) of Chapter 2.
4. Within 45 days of the date of this Order, Moore 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 the Agency at 2200 Churchill Road, Springfield, Illinois 62706. 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

I, (We) _____,
hereby accepts and agrees to be bound by all terms and conditions
of the Order of the Pollution Control Board in PCB 83-1, dated
April 21, 1983.

Petitioner

Authorized Agent

Title

Date

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution
Control Board, hereby certify that the above Opinion and Order
was adopted on the 21st day of April,
1983 by a vote of 4-0.

Christan L. Moffett
Christan L. Moffett Clerk
Illinois Pollution Control Board