

ILLINOIS POLLUTION CONTROL BOARD
May 19, 1983

DEL MONTE CORPORATION,)
)
 Petitioner,)
)
 v.) PCB 82-147
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

LEON J. PARKER APPEARED ON BEHALF OF THE DEL MONTE COPORATION.
PETER E. ORLINSKY APPEARED ON BEHALF OF THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY.

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

This matter comes before the Board upon a December 17, 1982 petition for variance filed by the Del Monte Corporation (Company). The Company has requested a variance from Rule 205(n)(1)(B)(i) and 205(n)(1)(B)(vi) of Chapter 2: Air Pollution Regulations (Chapter 2) to allow it to delay compliance with the emission limitation for volatile organic compounds (VOCs) discharged from its sheet basecoat, overvarnish, and end sealing compound can coating operations. On January 31, 1983, the Illinois Environmental Protection Agency (Agency) filed a recommendation that the variance be granted until December 31, 1984, subject to certain conditions. A hearing was held on March 25, 1983.

The Company owns and operates a can manufacturing plant located at 15th Street and 4th Avenue in Rochelle, Ogle County, Illinois. The plant is located in an industrial area, and the nearest residents live about 2 blocks east of the Petitioner's facility. The Agency has received no complaints about the facility's operation and no one has objected to the variance. The area has been designated by the Agency as an attainment area for ozone and during 1981 the 0.12 ppm standard for ozone was not exceeded. The closest monitoring station is about 21 miles to the northeast in Rockford.

The Petitioner's facility manufactures cans which are distributed to food canning plants throughout the United States and any decrease in the number of cans produced "would affect many thousands of persons, both seasonal and year around who are employed at the can plant and at the numerous canneries." (Pet.1).

Included in its Rochelle facility are two sheet basecoat/overvarnish baking ovens and several end sealing machines. In the sheet basecoat/overvarnish operation, sheets of tin plate

are first roller coated with protective coatings and then conveyed through baking ovens where the coating is heat cured and volatile organic compounds (VOCs) are vented directly into the atmosphere. After the baking and curing process is completed, the coated tin sheets are cut to the desired size and formed into either cylinders for can bodies or ends for these cylinders. In the end sealing operation, ends for the food containers are formed from cut sheets of tin plate and a sealing compound is used to seal both end caps of the cans. The end sealing compounds, which provide the requisite hermetic seal to form a vacuum and prevent bacterial contamination and oxidation of food inside the can, also emit VOCs which are vented directly into the atmosphere.

Rule 205(j) of Chapter 2 requires that sheet basecoat/overvarnish can coating operations and end sealing compound coating operations must respectively be in compliance with Rule 205(n)(1)(B)(i) and Rule 205(n)(1)(B)(vi) of Chapter 2 by December 31, 1982. Rule 205(n)(1)(B)(i) of Chapter 2 limits VOC emissions from basecoat/overvarnish coatings to 2.8 lb/gal. Rule 205(n)(1)(B)(vi) of Chapter 2 limits VOC emissions from end sealing compound coatings to 3.7 lb/gal.

In 1982, the Company used approximately 86,427 gallons of protective coatings in its sheet basecoat/overvarnish operations. The average VOC content of these coatings was 4.0 lb/gal. Accordingly, VOC emissions in 1982 from these operations were 172.85 tons. If Rule 205(n)(1)(B)(i) of Chapter 2 had been in effect in 1982, the Company's VOC emissions from this process would have been limited to 120.9 tons.

Similarly, the Petitioner used an estimated 21,848 gallons of protective coatings in its end sealing operations in 1982. The average VOC content of such coatings was 4.165 lb/gal. Thus, VOC emissions from the end sealing operations in 1982 were 45.5 tons. If Rule 205(n)(1)(B)(vi) of Chapter 2 had been in effect in 1982, the Company's VOC emissions from end sealing operations would have been limited to 40.4 tons.

Del Monte Corporation alleges that it has been unable to meet the compliance date because acceptable alternate protective coatings have yet to be developed. The Petitioner has worked closely with its coating suppliers for several years in evaluating a large number of candidate coatings. Although some reductions in VOC content have been achieved, the desired levels of emissions have not yet been reached. The Company is planning to achieve compliance with the applicable regulations by expeditiously proceeding with: (1) an intensive test program to evaluate sheet base coatings with lower VOC content; (2) replacement of the current sheet base coatings with lower VOC substitute coatings; (3) replacement of a non-conforming (high VOC content) end sealing compound with a lower VOC, high solids compound which has demonstrated promise during preliminary field trials; (4) replacement of one

of the sheet base coatings with an ultra violet cured coating which doesn't contain volatile materials (this relatively new technology coating will require a substantial capital investment for specialized equipment); and (5) use of internal offsets pursuant to Rule 205(n)(4) of Chapter 2.

Based upon these facts, the Board finds that Del Monte Corporation has been diligently attempting to comply with the VOC limitation and that it continues to do so. It is unlikely that the Petitioner'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. It would be unreasonable for the Board to impose substantial costs upon the Petitioner to attain immediate compliance when there is 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 protective 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 the Company and concludes that variance should be granted subject to the conditions recommended by the Agency, which were not objected to by the Petitioner.

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

ORDER

Del Monte Corporation is hereby granted a variance from Rule 205(n)(1)(B)(i) and Rule 205(n)(1)(B)(vi) of Chapter 2: Air Pollution Regulations until December 31, 1984, subject to the following conditions:

1. Del Monte Corporation shall expeditiously proceed with the development and testing of protective coating materials which have a VOC content less than the presently used materials. During the period of this variance, the average yearly VOC content from sheet basecoat/overvarnish can

coating operations shall not exceed 4.0 lb/gal and the average yearly VOC content from end sealing compound coating operations shall not exceed 4.165 lb/gal.

- 2. No later than June 19, 1983, and every third month thereafter, Del Monte Corporation shall submit written reports to the Agency detailing all progress made in achieving compliance with Rule 205(n)(1)(B) of Chapter 2. These 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
 Division of Air Pollution Control
 Region 1 - Field Operations Section
 1701 South First Avenue
 Maywood, Illinois 60153

- 3. On or before June 19, 1983, Del Monte Corporation 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, Del Monte Corporation 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 82-147, dated May 19, 1983.

Petitioner

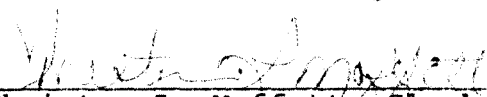
Authorized Agent

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 14th day of May, 1983 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board