

ILLINOIS POLLUTION CONTROL BOARD
June 16, 1983

ST. CHARLES MANUFACTURING COMPANY,)
)
 Petitioner,)
)
 v.) PCB 82-156
)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

SEYFARTH, SHAW, FAIRWEATHER & GEARLDSON (MICHAEL F. DOLAN,
OF COUNSEL) APPEARED ON BEHALF OF THE ST. CHARLES MANUFAC-
TURING COMPANY.

PETER E. ORLINSKY APPEARED ON BEHALF OF THE ILLINOIS ENVIRON-
MENTAL PROTECTION AGENCY.

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

This matter comes before the Board upon a December 30, 1982 petition for variance filed by the St. Charles Manufacturing Company (Company). The Company has requested a variance from Rule 205(n)(1)(G) of Chapter 2: Air Pollution (Chapter 2) to allow it to delay compliance with the emission limitation for volatile organic compounds (VOCs) discharged from its metal furniture coating operations. On January 31, 1983, the Illinois Environmental Protection Agency (Agency) filed a recommendation that variance be granted until August 31, 1983, subject to certain conditions. A hearing was held on April 11, 1983.

The Company owns and operates a plant in St. Charles, Kane County, Illinois which manufactures high-quality custom metal kitchen cabinets and institutional casework for hospitals, schools, laboratories, dental offices, and checkout counters. The plant, which employs about 350 people and has an annual payroll of over \$10,000,000.00 is located in an industrial/commercial area. The nearest residents live about 1/2 mile south of the Petitioner's plant. 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 a nonattainment area for ozone and during 1981 the 0.12 ppm standard for ozone was only exceeded once. The closest monitoring station is about 10 miles to the north in Elgin.

Included in its St. Charles facility are three water-wash paint spray booths and two bake ovens used for painting the metal components. Acid resistant paint is used on the

Petitioner's laboratory paint line, while non-acid resistant paint is used on its standard and custom color paint lines.

Rule 205(j) of Chapter 2 requires that metal furniture coating operations must be in compliance with Rule 205(n)(1)(G) of Chapter 2 by December 31, 1982. Rule 205(n)(1)(G) of Chapter 2 limits VOC emissions from metal furniture coating operations to 3.0 lb/gal.

In 1982, the Company used approximately 26,760 gallons of coatings in its metal furniture operations. The average VOC content of these coating was 3.48 lb/gal. Accordingly, VOC emissions in 1982 from these operations were 46.63 tons. If Rule 205(n)(1)(G) had been in effect in 1982, the Company's VOC emissions from this process would have been limited to 40.14 tons.

However, since the Company is planning to reformulate its coatings to high solids paints, it will be able to utilize a lesser volume of coatings in the near future. If the Petitioner had been using such high solid paints in 1982, it would only have required 24,577 gallons of coatings and the resultant allowable VOC emissions would have been 36.87 tons.

The Petitioner alleges that it has been unable to meet the compliance date because acceptable alternate high solid paints for its non-acid resistant paint lines have yet to be completely developed. The Company has worked closely with its suppliers since June, 1979 in order to develop the necessary reformulations. Although the Company was able to achieve compliance in its acid resistant paint line by June, 1982, unexpected technical problems have delayed final compliance by some of its non-acid resistant and custom color paints. However, the Company believes that its paint reformulation process is nearing completion and that the primary problems have been solved, so that the remaining paints can be in compliance by August 31, 1983.

Based upon these facts, the Board finds that St. Charles Manufacturing Company 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. While there are no specific dollar figures in the record as to the precise cost of compliance, 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. Accordingly, 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.

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. The period of the variance has been lengthened by two months since the requested schedule was extremely tight.

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

ORDER

St. Charles Manufacturing Company is hereby granted a variance from Rule 205(n)(1)(G) of Chapter 2: Air Pollution Regulations until October 31, 1983, subject to the following conditions:

1. St. Charles Manufacturing Company 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 metal furniture coating operations shall not exceed 3.48 lb/gal.
2. No later than July 16, 1983, and again by no later than October 31, 1983, St. Charles Manufacturing Company shall submit written reports to the Agency detailing all progress made in achieving compliance with Rule 205(n)(1)(G) 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:

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

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

3. On, or before, July 16, 1983, St. Charles Manufacturing Company 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, St. Charles Manufacturing Company 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 82-156, dated June 16, 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 16th day of June, 1983 by a vote of 4-0.

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