ILLINOIS POLLUTION CONTROL BOARD February 5, 1981

AMERICAN	CAN CO., Hoope	eston Plant,)	
		Petitioner,)	
	v.		PCB	80-213
ILLINOIS	ENVIRONMENTAL	PROTECTION AGENCY,	, }	
		Respondent.)	

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

On November 17, 1980, American Can Co. (American) filed a Petition for Variance from Rules 104(c), 205(m)(1)(B), and 205(n)(1)(B) of Chapter 2: Air Pollution. On January 5, 1981, the Illinois Environmental Protection Agency (Agency) filed a recommendation that the variance be granted with certain modifications. Hearing was waived, and none was held.

American's Hoopeston plant is located on commercially zoned property in Hoopeston and employs 300 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 interior and exterior base coats, sideseam spray coatings and end sealing compounds. The wide variety of end uses and governmental and customer requirements necessitated the use of 46 different coating materials to be used in 1979. During that year 192,762 gallons of coating material was applied. After application the coating and compound materials are cured in dryers and ovens which exhaust through stacks into the atmosphere.

American's operating permit for the facility expired May 1, 1980, and its application for renewal was denied on the basis that timely compliance with Board Rules was not demonstrated. American requests that variance be granted such that the operating permit may be reissued with a December 1, 1985 expiration date. American further requests that Rule 205(j)'s compliance date of December 31, 1982, and Rule 104's compliance date of July 31, 1982, both be extended to December 31, 1985. Finally, American requests that the Rule 205(m)(1)(B)(ii) requirement that the initiation of process modification for use of low solvent materials by April 1, 1982, be extended to April 1, 1984, and that the Rule 205(m)(1)(B)(iii) requirement of completion of the low solvent process modifications by October 1, 1982, be extended to October 1, 1984.

American presently emits 295 tons/year of volatile organic materials (VOM) while only 120 tons/year is allowed under Rule 205(n). In order to achieve compliance, American plans to continue its program of reformulating the coatings it uses from high to low solvent materials, to apply the offset provisions of Rule 204 and 205, and to transfer to other states some activities which do not lend themselves to reformulation.

American alleges that the lengthy compliance period is necessitated by the technology forcing aspects of the project as well as the need to satisfy customers and regulatory agencies. The U.S. Environmental Protection Agency has acknowledged inherent delays in developing low solvent formulations. (See Ex. 5, Att. A of Petition). The only alternative for reaching compliance by October 1, 1982, is the installation of two catalytic incinerators (\$367,000 capital outlay and \$100,000/year annual fuel costs) and a carbon adsorption unit (\$225,000 capital outlay and operating costs of \$125,000/year). The total cost for this alternative would be approximately \$1,267,000 for the next 3 years at which time the equipment would become unnecessary, since compliance should be reached by other means by that time.

American further alleges that the granting of variance will not increase present emissions and will provide continued reductions based upon its 3-part compliance plan noted above. While the lack of an increase in emissions is not sufficient to show a lack of environmental harm, American also points out that ozone presents health hazards only on some summer days. Thus, its required participation in the Air Pollution Episode Action Plan should avoid health threats by reducing VOM emissions during ozone alerts. As discussed in the Opinion of the Board in R78-3,4 (August 23, 1979, 35 PCB 243) the potential health problem of VOM emissions is the creation of ozone. Further, an Agency investigation has revealed no verified complaints concerning emissions from the Hoopeston plant.

The Agency found that the facts alleged in the variance petition are on the whole accurate.

Therefore, the Board finds that a denial of variance in this case would cause an arbitrary and unreasonable hardship and that the environmental impact of granting the variance would be small.

The Board agrees with the Agency, however, that with diligent effort American could achieve compliance with Rule 205(n)(1)(B) at least one year earlier than the projected date. American has not refuted this. Therefore, the Board will grant variance until October 1, 1984. If American, even after a diligent effort, cannot comply within that time, it may apply for a variance extension. Further, the Board will impose conditions upon the variance to help insure prompt compliance.

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

ORDER

Variance is hereby granted to American Can Co. from Rules 104(c), 205(m)(1)(B), and 205(n)(1)(B) of Chapter 2: Air Pollution, until October 1, 1984, subject to the following conditions:

- 1. Within 28 days of the date of this Order, and every third month thereafter, American Can Co. shall submit written reports to the Agency detailing all progress made in achieving compliance with Rule 205(n)(1)(B) of Chapter 2. Such report shall include information on the quantity and solvent content of all coatings utilized during the reporting period, and a description of the status of the reformulation program. All such information shall be submitted to the Agency at the following address:
 - a. Environmental Protection Agency
 Division of Air Pollution Control
 Control Program Coordinator
 2200 Churchill Road
 Springfield, Illinois 62706.
 - b. Environmental Protection Agency
 Division of Air Pollution Control
 Region II, Field Operations Section
 6415 North University
 Peoria, Illinois 61614.
- 2. Within 28 days of the date of this Order, American Can Co. shall apply to the Agency for all necessary operating permits. Said permit applications shall include a revised compliance program which is consistent with this Order.
- 3. Within 45 days of the date of this Order, American Can Co. shall execute a certification of acceptance and agreement to be bound to all terms and conditions of the Variance. Said certificate shall be submitted to both the Agency offices at the addresses specified supra, and shall be in the following form:

	Ame	rican	Can	Comp	any,	hereby	acc	cepts	s and	agre	es	to be	
bound	by	the	term	s and	cond	itions	of	the	Order	of	the	Pollu	tion
Contr	ol	Board	lin	PCB 8	0-213	, dated	d Fe	ebrua	ary 5,	198	31.		

	Petitioner
	Signed
	Title
	Date
IT IS SO ORDERED.	
I, Christan L. Moffett, Cl Control Board, hereby certify t Order was adoted on the by a vote of	
	Christan L. Moffett, Clerk

Illinois Pollution Control Board