## ILLINOIS POLLUTION CONTROL BOARD April 24, 1975

AIRWAY PRODUCTS CORPORATION,	)	
	)	
Petitioner,	)	
	)	
ν.	)	PCB 74-472
THE THOUGHT TO CONTINUE A CONTOUR	)	
ENVIRONMENTAL PROTECTION AGENCY,	)	
Respondent.	,	
Respondent.	,	

Mr. Richard H. Sanders, Attorney, appeared for the Petitioner; Mr. Peter E. Orlinsky, Attorney, appeared for the Respondent.

OPINION AND ORDER OF THE BOARD (by Mr. Zeitlin)

Airway Products, Inc. (Airway), on December 13, 1974, filed a Petition for Variance from the requirements of Rule 205(f) of the Air Pollution Regulations of the Pollution Control Board (Board). The Variance is sought until December 31, 1975, and would essentially constitute an extension of a Variance previously granted by this Board, which expired on December 31, 1974. PCB 73-554, 11 PCB 495(1974).

Rule 205(f) limits the emission of organic materials to a discharge of 8 pounds per hour. It was shown in the prior Variance case that Petitioners Schiller Park, Illinois plant emits up to 67 lbs./hour of nonexempt, photochemically reactive solvents 11 PCB at 495. Those emissions are generated from electrostatic spray booths and bake ovens used in the painting of grocery store shelves, tables and check-out counters manufactured at Petitioner's facility. Approximately 200 persons are employed by Airway at the Schiller Park plant.

Airway's compliance program when it was granted the Variance in PCB 73-554 consisted of a switch-over to exempt, non-reactive solvents. The Board in granting that Variance noted that such solvents could not be obtained at that time. The Environmental Protection Agency (Agency) agreed in its Recommendation, in that case, that such exempt solvents were not at that time available, and recommended that the Variance in PCB 73-554 be granted.

In the instant Petition, and in an amendment thereto filed January 29, 1975, Airway has once again alleged that exempt solvents are not available. Airway now, however, has proposed alternate compliance plans. Airway's primary plan for achieving compliance with Rule 205(f) is now a switch-over to water reducible spray painting processes. Alternatively, Airway proposes that, if the switch-over to water reducable spray painting is not feasible, it will use a high solids liquid paint in its coating operations.

Airway has also considered several other methods for achieving compliance, but alleges that none are practical at the present time. It is unable to obtain gas necessary to operate an afterburner; adsorption systems employing activated carbon are rejected due to its large total exhaust volume; it is still waiting for a feasibility study regarding a wet scrubbing system.

In the amendment to its Petition, Airway proposed timetables for achieving compliance using the two alternate methods which it prefers — water reducible spray painting and high solids liquid paint. The target dates submitted for its primary compliance effort, water reducible spray paints, indicated compliance by July 30, 1975. The target date submitted for the high solid liquid paint alternative was also July 30, 1975. (It should be noted that Airway is presently proceeding with the compliance schedules employing both of these alternate methods.) Citing these target dates in its Recommendation, the Agency while recommending the requested Variance—felt that it would not be necessary that the Board grant a Variance past the July 30, 1975 completion date scheduled for either of these alternate control methods.

At a hearing held on this matter on March 19, 1975, Airway presented testimony indicating that the time schedules submitted for compliance, using either method, are very tight (R. 10). Other unchallenged testimony presented at the hearing indicated clearly that Airway is attempting in complete good faith to achieve compliance with Rule 205(f), and that it fully expects to be in compliance by July 30, barring unexpected delays. A timetable submitted by Airway indicates that it is at least even with its proposed schedule for switch-over to water reducible paint, and is only slightly behind schedule in its testing and review of high solid liquid paint. (The schedule slippage with regard to high solvent liquid paint does not seem particularly important in light of Airway's "85 per cent" certainty that the water reducible process will be successful (R. 7)).

Weighing the factors in this matter, the Board is again disposed to grant Airway the requested Variance. Airway has successfully shown that, despite its extensive good faith efforts, it has been unable to comply with the compliance plan which was considered in the earlier Variance case. Further, Airway has clearly shown that it is presently making considerable efforts to achieve compliance, including a laudable program of pursuing alternative methods of compliance at the same time. The same hardships which allowed our grant of the earlier Variance are still present, and once again the Agency has recommended that the Variance be granted.

As to the length of the Variance, however, the Board feels that the Agency has successfully shown that a grant beyond July 30, 1975 would be unwarranted. Petitioner failed to show the likelihood of any material delays in its compliance program, and merely speculated that such delays might happen. Where a Petitioner has shown that, as is expected, it is complying with a reasonable compliance schedule, the Board cannot base further Variance extension on mere speculation. Although Airway is to be lauded for its attempt thus far, it simply has not demonstrated any need for a Variance beyond July 30, 1975.

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

## ORDER

IT IS THE ORDER of the Pollution Control Board that Petitioner Airway Products Inc. be granted a Variance from Rule 205(f) of Chapter 2: Air Pollution Regulations, from January 1, 1975 until July 30, 1975, subject to the following conditions:

- 1. Petitioner shall continue, as required under the prior Variance, to utilize as much exempt solvent as can be furnished by its suppliers.
- 2. Within 30 days of the adoption of this Order, Petitioner shall submit a definite compliance program to the Illinois Environmental Protection Agency, specifing which method of compliance will be utilized, interim construction dates, and the final dates on which compliance will be achieved. Said compliance plan will be submitted to:

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

3. Petitioner thereafter shall submit monthly progress reports, before the 10th of each month, to the Illinois Environmental Protection Agency, indicating its effort to obtain such exempt solvents, and detailing progress made toward compliance. Such reports shall be submitted to:

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

- 4. Petitioner shall apply for and obtain all necessary Agency construction and operating permits.
- 5. Within 35 days of the adoption of this Order, Petitioner Airway Products shall execute and forward to the address noted above, a certification of acceptance in the following form:

## CERTIFICATION

I (We),
having read and fully understood the Order of
the Illinois Pollution Control Board in PCB 74-472,
hereby accept said Order and the Variance granted
thereby, understanding that such acceptance is
irrevocable and renders binding all terms and con-
ditions thereof.
Signed
Title
Date

Mr. Dumelle dissents.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify the above Opinion and Order were adopted on the day of, 1975 by a vote of to
Christan L. Moffett, Clark Illinois Pollution Control Board