

ILLINOIS POLLUTION CONTROL BOARD

May 8, 1975

MOTOR WHEEL CORPORATION,)
)
 Petitioner,)
)
 v.) PCB 75-70
)
ENVIRONMENTAL PROTECTION)
AGENCY,)
)
 Respondent.)

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

The Petition for Variance in this matter was filed by the Motor Wheel Corporation, (Motor Wheel), on February 13, 1975. The Petition seeks relief from Rules 103(b) and 205(f) of Chapter 2: Air Pollution of the Pollution Control Board (Board) Rules and Regulations. PCB Regs. Ch. 2, Rules 103(b), 205(f). Such Variance relief is sought until May 30, 1975, or until such earlier time as Petitioner is able to achieve compliance with Rule 205(f).

Petitioner is an Ohio Corporation which operates a manufacturing facility in Mendota, LaSalle County, and employs 270 local residents. Motor Wheel produces approximately 2.5 million original equipment steel automobile wheels per year at that plant, principally for the Chrysler Corporation. (Motor Wheel also produces farm equipment at the Mendota Plant, but this Petition is concerned only with the automobile wheel manufacturing process.)

As a part of the automobile wheel manufacturing process, Petitioner operates two automobile wheel paint spray booths, to apply approximately 69,500 gallons of paint per year to such wheels before they are shipped to the Chrysler Corporation. Although Motor Wheel and the Environmental Protection Agency (Agency) differ as to the amount by which the emissions from these spray booths exceed the limitations of Rule 205(f), it is clear that the emissions from these spray booths are not in compliance with that Rule. Motor Wheel estimates that approximately 16 pounds per hour of organic material are emitted from each of these spray booths, which organic materials are photochemically reactive within the meaning of Rule 201; the Agency, in its Recommendation filed April 4,

1975, estimates that each booth, with its attendant flashoff area and drying oven, emits approximately 60.5 pounds per hour of photochemically reactive organic material. (The Board need not here determine whether Petitioner's calculations or those of the Agency are the correct ones. Insofar as the Variance is for a short period and the Agency has recommended that the Variance be granted, as will be discussed below, the difference is not material here.)

Motor Wheel states that it has been attempting since August of 1973 to obtain an automobile wheel paint which would enable the two spray booths to achieve compliance with Rule 205(f). The difficulty is that Motor Wheel must submit any paint to be used to the Chrysler Corporation for quality control approval. While the exhibits to both the Petition and the Agency's Recommendation indicate that Motor Wheel's suppliers have submitted several paints which are in compliance with Rule 205(f), none of these have in the past been approved by Chrysler. Now, however, Motor Wheel states that its suppliers will be able to supply materials which have been approved by Chrysler, and Petitioner requests a Variance from Rule 205(f) pending receipt of those materials.

It should be noted that the Board does not, by this Opinion, accept the contention that such quality control standards of the Chrysler Corporation - or of any other entity - are to be given priority over the standards which we have set to insure a clear and healthful environment. Here, although such a contention has not been explicitly made, it might be inferred; if it has been, we specifically reject it. The conditions and circumstances under which we can and will grant Variances are to be found in the Environmental Protection Act, our Rules and Regulations, and our prior decisions. In this case, there has been a showing that a severe hardship would be imposed upon Petitioner were it required to comply immediately with Rule 205(f); as with all Variances, the specific facts leading to the grant of a Variance must be carefully weighed on a case-by-case basis.

Motor Wheel also points out in its Petition that it has been unable to obtain the Agency Operating Permit required by Rule 103(b) due to its inability to comply with Rule 205(f). The Agency Recommendation verifies this fact. For that reason, Motor Wheel also requests a Variance from the permit requirement of that section.

Shortly after the Petition in this matter was filed, the Agency submitted a formal objection and Motion for Hearing, which the Board granted on March 26, 1975. The Board thereafter denied Motor Wheel's first Motion for Disposition Without Hearing, but granted its second Motion for Disposition Without Hearing after the Agency specifically withdrew its objection to the Variance requested here, in the Agency Recommendation filed April 4, 1975. The Board's Order of April 24, 1975 by Mr. Dumelle, wherein Motor Wheel's second Motion for Disposition Without a Hearing was granted, fully describes these procedural matters.

The Agency Recommendation in this matter agrees that Motor Wheel "seems to have a rather unique problem in substituting solvents." (Rec. 3). The Agency agrees that Motor Wheel's difficulty in obtaining materials for its spray booths which will meet both the requirements of Rule 205(f) and the strict quality control standards of the Chrysler Corporation, limits the choice of exempt solvents available to Motor Wheel. The Agency also points out, however, that Motor Wheel has been "rather tardy" in submitting its Variance Petition as regards Rule 205 (f). The Agency states also that it has received no objection to the granting of this Variance.

The Agency Recommendation states that the compliance program of Motor Wheel, which involves the substitution of nonphotochemically reactive solvents, is acceptable. The Agency does, however, object to the granting of a Variance from Rule 103(b). The Agency states that it has in fact denied Motor Wheel an operating permit, as required under that Rule, because Motor Wheel was unable to demonstrate compliance with Rule 205(f). But the Agency does point out that, should a Variance be granted from the applicable emission standards, (Rule 205(f)), it would be able to grant an operating permit upon receipt of an appropriate application. This being the case, the Board finds no reason to grant a Variance from the operating permit requirement. Insofar as the Agency is willing to grant such a permit once a Variance has been demonstrated with regard to Rule 205(f), Motor Wheel has shown no hardship in the event we should refuse to grant a Variance from the operating permit requirement.

As to the requested Variance from Rule 205(f), the Board agrees that a Variance with regard to that Section is warranted. Although Motor Wheel's Variance Petition comes to us rather late, (insofar as that Rule has been in effect for some time), the Petition does ask relief for a relatively short period of time, and does demonstrate an acceptable compliance plan, under which Motor Wheel will be in compliance with Rule 205(f) within the very near future.

In summary, the requested Variance from Rule 205(f) will be granted, and the requested Variance from 103(b) will be denied.

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

ORDER

IT IS THE ORDER of the Pollution Control Board that:

1. Petitioner Motor Wheel Corporation is granted a Variance from the emission limitations of Rule 205(f) of Chapter 2: Air Pollution, until May 30, 1975, or such earlier time as Petitioner is able to obtain adequate quantities of nonphotochemically reactive materials, such Variance being subject to the condition that Motor Wheel Corporation apply for the appropriate operating permits from the Environmental Protection Agency within 30 days of the adoption of this Order;
2. That portion of the Variance Petition of Motor Wheel Corporation in this matter which requests Rule 103(b) is denied.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify that the above Opinion and Order of the Board were adopted on the 8th day of May, 1975 by a vote of 5 to 0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board