

ILLINOIS POLLUTION CONTROL BOARD

July 18, 1974

ACME BARREL COMPANY,

Petitioner,

vs.

ENVIRONMENTAL PROTECTION AGENCY,

Respondent.

PCB 74-141

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

This Petition for Variance was filed with the Board on April 22, 1974. On April 25, 1974, the Board ordered Petitioner to submit additional information. Said additional information was filed with the Board on May 14, 1974.

Petitioner operates a facility in Chicago which reclaims and reconditions steel barrels. Included in Petitioner's operations are paint spray units and curing ovens, which are the subject of the Petition for Variance.

Petitioner is seeking a variance from Rule 205(f) of the Air Pollution Control Regulations for an indeterminate period of time in order to emit photochemically reactive hydrocarbons in excess of the prescribed standard.

Rule 205(f) limits emissions of photochemically reactive hydrocarbons to 8 lbs/hr. Petitioner contends that it would be able to comply with the regulation if it could obtain an adequate supply of exempt solvents. Petitioner alleges that due to current shortages, it is only able to obtain 80-85% of its needs.

Petitioner estimates that the emission rate from its spray booth when using non-exempt solvents is 94 lbs/hr. Agency surveillance personnel estimate the emission rate to be 190 lbs/hr.

Petitioner plans to achieve compliance as soon as it is possible to obtain 100% of its needs. In the meantime, Petitioner states that it will make every effort to assure that only one paint station at a time will use non-exempt solvents. Petitioner states that to date it has been unable to successfully use water base paints in its process.

Petitioner's facility has been the subject of a prior Board Order. In PCB 72-404, the Board found Petitioner to be causing an odor nuisance. Petitioner is currently taking necessary steps to eliminate the odor problem. Citizens contacted by Agency personnel indicate that whereas the odor has not been totally eliminated, much progress has been made.

The Agency is in agreement with Petitioner that denial of the variance would cause a hardship. The Board is aware of the current nationwide shortage of non-photochemically reactive solvents and notes that Petitioner is not unique in its inability to obtain such solvents. The variance will be granted; but not, of course, for the indefinite period requested. The six-month period recommended by the Agency appears adequate to meet Petitioner's problem.

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

IT IS THE ORDER of the Pollution Control Board that Petitioner be granted a variance from the provisions of Rule 205(f) of the Air Pollution Regulations for a period of six months from the date of this Order, subject to the following conditions:

a. Commencing 30 days from the date of this Order, Petitioner shall submit monthly progress reports to the Agency detailing:

1. total amount of solvents used during the month;
2. nature and amount of non-exempt solvents used;
3. nature and amount of exempt solvents used;
4. nature and amount of exempt solvents purchased (indicating the supplier);
5. nature and amount of non-exempt solvents purchased (indicating the supplier);
6. nature and amount of solvents in inventory at the beginning of each month.

Said reports shall be sent to:

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

b. Petitioner shall utilize as much exempt solvent formulations as can be furnished by its suppliers.

c. Within one hundred and eighty days of the date of this Order, Petitioner shall submit a compliance plan to the Agency. This plan may:

1. Achieve compliance at the expiration of the Variance by replacement of photochemically reactive solvents with non-reactive solvents demonstrated to be readily available; or

2. Achieve compliance at the expiration of the Variance by qualification under the Alternative Standard of Rule 205(f)(1); or
3. Achieve compliance by May 30, 1975 under the provisions of Rule 205(f)(2)(D).

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on this

18th day of July, 1974 by a vote of 3-0.

Christan L. Moffett