

ILLINOIS POLLUTION CONTROL BOARD

May 2, 1974

IN THE MATTER OF:)	
PETITION FOR VARIANCE OF:)	
GENERAL ELECTRIC COMPANY)	
and)	
)	
ENVIRONMENTAL PROTECTION AGENCY,)	PCB 73- 42
Complainant,)	73-145
)	
v.)	
)	
HOTPOINT, a Division of General Electric))	
Company,)	
Respondent.)	

Mr. Dennis Fields, attorney for the Environmental Protection Agency.
 Mr. Paul Leeds, attorney for Hotpoint, a Division of General Electric Company.

OPINION AND ORDER OF THE BOARD (by Dr. Odell)

Hotpoint, a Division of General Electric Company, operates a facility at 5660 West Taylor Street, Chicago, Illinois. Home laundry equipment is manufactured at this plant. Hotpoint paints and oven dries these goods at this facility before distribution.

On January 31, 1973, Petitioner sought a variance (PCB 73-42) to operate its synthetic paint system (primer booths, electrostatic booths, and reinforcing booths) in excess of particulate emission levels specified by Rule 203 of Chapter Two; Air Pollution Control Regulations (Chapter Two). The variance was requested to allow time to modify spray equipment to reduce particulate emissions and to reformulate the enamel to allow the use of exempt solvents. Hotpoint requested that the variance extend until September 30, 1973, for organic emissions and November 30, 1973, for particulate emissions. The Environmental Protection Agency (EPA) recommended on March 20, 1973, that the variance be denied. EPA stated that the applicable Rule was Rule 3.3-111 of the Rules and Regulations governing the Control of Air Pollution (Rules and Regulations) rather than Rule 203 of Chapter Two.

On April 10, 1973, EPA filed a complaint against Hotpoint (PCB 73-145) alleging violations of Rule 3.3-111 of the Rules and Regulations as to painting processes mentioned in Petitioner's variance request as well as other equipment utilized in the painting operation including a black Japan paint oven, a ground coat system, a pallet conveyor system, stipple booths, a pin conveyor system, and a synthetic enamel paint system. On the same date,

EPA filed a motion for consolidation of the Petition for Variance and the Complaint.

Petitioner moved on June 12, 1973, to amend its Variance Petition by substituting Rule 3.3-111 of the Rules and Regulations for Rule 203 as stated in its original request. Hotpoint also sought a variance through November 30, 1973, for its manufacturing process identified in the EPA Complaint as the ground coat system and the pallet conveyor system.

A hearing on the consolidated action was continued several times while the parties attempted to reach a settlement. On February 4, 1974, a Stipulation was entered into the hearing record. In pertinent parts it stated:

"1. That as a result of various discussions between the parties and their attorneys, the interests of all concerned would be best served by the resolution of these proceedings in accordance with this Stipulation in lieu of an evidentiary hearing and briefs and argument before the Pollution Control Board.

"2. That this Stipulation is conditioned upon and effective only upon the entry of an order approving same by the Pollution Control Board.

"3. An operating permit was issued (for the black Japan oven system) by the Agency on June 14, 1973; application No. 02111299, ID No. 031 600 ACR.

"4. The Complaint and Amended Variance Petition, and this document, are concerned with the remaining four systems at General Electric's plant, identified as the synthetic enamel paint system, ground coat system, pin conveyor system, and pallet conveyor system." These have now all been granted permits.

"5. The parties further stipulate and agree that inasmuch as operating permits have been issued by the Agency for all of General Electric's systems, and that the plant is presently in full compliance with the Act and all applicable rules and regulations governing emissions, there is no longer any need for a variance.

"6. General Electric agrees that it will continue to inspect its equipment and make all maintenance adjustments or improvements as it deems necessary.

"7. General Electric agrees to remit the sum of Five Hundred and No/100 Dollars (\$500.00) to the State of Illinois so as to avoid any needless litigation.

"8. Mr. Kerstin, staff engineer for General Electric, would testify that General Electric spent approximately a quarter of a million dollars in modifying and installing the control equipment for the four systems discussed above."

9. The attached tables 9(a) and 9(b), made part of the Stipulation, list emission rates for the four systems which were granted permits, as is indicated in point four of the Stipulation. Table 9(b) indicates present particulate emissions from the four systems.

We accept the Stipulation entered into between the parties. Using the Hotpoint emission calculation rates in table 9(a) as measured against allowable emissions in table 9(b), we hold that Hotpoint violated Rule 3.3-111 of the Rules and Regulations. These violations occurred during the pre-modification period on the synthetic enamel paint system, the ground coat system, the pin conveyor system, and the pallet conveyor system. The penalty is somewhat low, but we believe that the amount is reasonable here. The parties have agreed at arms length, and Hotpoint has already expended considerable sums of money to achieve full compliance with the Act and Rules and Regulations.

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

ORDER

IT IS THE ORDER of the Pollution Control Board that:

1. The Petition for Variance is dismissed.
2. Hotpoint pay a penalty of \$500.00 for its violation of Section 9(a) of the Environmental Protection Act and Rule 3.3-111 of the Rules and Regulations. Payment shall be made within 35 days of the adoption of this Order by certified check or money order made payable to State of Illinois, Fiscal Services Division, Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.
3. Hotpoint will inspect its equipment and make all maintenance adjustments or improvements necessary to remain in compliance with the Environmental Protection Act and Rules and Regulations.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 2nd day of May, 1974, by a vote of 4 to 0.


Christan L. Moffett, Clerk

TABLE 9(a)

PARTICULATE EMISSIONS PRIOR TO MODIFICATIONS IN POUNDS PER HOUR

	<u>Process Weight Rate</u>			<u>Allowable Emissions</u>			<u>Emissions as Measured or Calculated</u>	
	<u>EPA</u>	<u>HOTPOINT</u>		<u>EPA</u>	<u>HOTPOINT</u>		<u>EPA</u>	<u>HOTPOINT</u>
		Paint Only	Including Weight of Steel		Paint Only	Including Weight of Steel		
Synthetic Enamel Paint System	113.2*	300.6	7958	0.6*	1.15	10.33	1.61*	5.34
Ground Coat System	800.8	1218	8254	2.85	2.94	10.60	33.65	31.7
Pin Conveyor System	249.9	205.1	2117	1.06	0.891	4.26	4.14	3.92
Pallet Conveyor System	160	160	2356	1.32	0.755	4.51	6.62	12.00

* Bake Oven Only

TABLE 9 (b)
PARTICULATE EMISSIONS
AFTER MODIFICATIONS IN POUNDS PER HOUR

	<u>Process Weight</u> <u>Rate</u> (paint only)	<u>Allowable</u> <u>Emission</u>	<u>Actual Emission</u> (based on stack tests)
Synthetic Enamel Paint System	300.6	1.15	0.91
Ground Coat System	1218	2.94	1.33
Pin Conveyor System	205.1	0.891	0.65
Pallet Conveyor System	160	0.755	0.41