

ILLINOIS POLLUTION CONTROL BOARD

May 29, 1974

A. O. SMITH CORPORATION )  
PETITIONER )  
 )  
 )  
v. ) PCB 74-70  
 )  
 )  
ENVIRONMENTAL PROTECTION AGENCY )  
RESPONDENT )  
 )

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

This action involves a request for variance filed by A.O. Smith Corporation on February 19, 1974. Petitioner seeks relief from Rule 205 (f) of Chapter 3 of the Board's Rules. Rule 205 (f) pertains to organic emissions. The Agency on March 11, 1974, filed a motion to dismiss on the grounds that said petition was inadequate in that no showing of need pursuant to Board Procedural Rule 401 was entered. In response to this motion the Board ordered more information from Petitioner. Petitioner on April 10, 1974, supplied such additional information, which constituted sufficient grounds for an acceptable variance petition.

An Agency recommendation filed May 16, 1974, recommended a grant subject to certain conditions.

A.O. Smith owns and operates, about four miles outside of Kankakee, a facility for the production of water heaters and "Harvestores" (animal food storage units). As part of its operation, Petitioner spray coats its finished products. Unit operations such as mixing, spraying and baking give rise to emissions of organic solvents which are, at times, in violation of Rule 205 (f).

Petitioner has previously filed for and received both operating and construction permits from the Agency. Said permits were granted in that Petitioner had submitted a plan to bring about compliance with Rule 205 (f) by July 1973. This plan contemplated conversion to non-photochemically reactive solvents. The above plan was initiated on schedule and Petitioner was in full compliance. However, as of March 5, 1974, Petitioner's suppliers were unable to supply exempt solvents in large enough quantities to insure total compliance. Letters attached to the petition for variance substantiate this claim.

Presently one line (Source 143) is in violation of Rule 205 (f).

Emissions from this source are 89.4 lbs/hr (standard 8 lbs/hr). It is also possible that other lines will be in non-compliance should the supply situation tighten.

Petitioner has indeed attempted to comply with applicable rules as evidenced by the following:

1. A complete workable reformulation program has been accomplished.
2. Experimentation with water-based paints is ongoing. Although unsuccessful to date, Petitioner intends to continue its experimentation and anticipates better results in the future.
3. Petitioner is installing electrostatic coating equipment on an existing paint line.

Petitioner alleges that it would be a hardship upon itself, its employees, and its customers should this variance be denied. Petitioner employs 1259 persons. Although denial of this variance would not mandate a shutdown, it would subject Petitioner to enforcement action. In light of the good faith efforts listed above, the Board finds the potential hardship worthy of a variance grant.

The Agency reports no citizen complaints or objections to the variance. The plant is located in an industrial area about four miles outside of Kankakee. The industrial park is surrounded by farmland.

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

#### ORDER

IT IS THE ORDER of the Pollution Control Board that Petitioner be granted a variance from Rule 205 (f) for one year from the date of this Order, subject to the following conditions:

- A) Petitioner shall utilize as much exempt solvents as can be furnished.
- B) Petitioner shall submit monthly reports to:  
Environmental Protection Agency  
Division of Air Pollution Control  
Control Program Coordinator  
2200 Churchill Road  
Springfield, Illinois 62706  
Said reports shall contain as a minimum:
  - i. The total amount of solvents used.
  - ii. The nature and amount of non-exempt solvents used.
  - iii. The nature and amount of exempt solvents used and purchased (including the name of supplier).
- C) Within six months from the date of this Order, Petitioner shall submit to the Agency a modified compliance plan to replace that which has been nullified by shortages. This plan may:

- i. Achieve compliance at the expiration of the Variance by replacement of photochemically reactive solvents with non-reactive solvents demonstrated to be readily available; or
- ii. Achieve compliance at the expiration of the Variance by qualification under the Alternative Standard of Rule 205 (f) (1); or
- iii. 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 by the Board on the 29<sup>th</sup> day of May, 1974, by a vote of 5 to 0.

Christan L. Moffett