## ILLINOIS POLLUTION CONTROL BOARD

March 7, 1974

ST. CHARLES MANUFACTURING COMPANY	)	
v.	<u> </u>	PCB 73-545
ENVIRONMENTAL PROTECTION AGENCY	'n	
ORDER OF THE BOARD (by Dr. Odell)		

On December 20, 1973, Petitioner filed with this Board a petition for variance to extend through June 30, 1974, alleging supply shortages as the impediment to achieving compliance by December 31, 1973, with Rule 205(f) of Chapter Two: Air Pollution Regulations.

Petitioner's facility paints steel cabinetry. Total enployment is about 370 persons. Current paint usage is about 37,000 gallons per year, and Petitioner needs a variance for 2,400 gallons of this paint to July 1, 1974. Their current solvent usage is 22,720 gallons per year. About 10,220 gallons of solvent is used annually to thin the paint to proper viscosity for application; another 12,500 gallons is used to clean equipment. Petitioner submitted evidence that certain photochemically nonreactive solvents (85C and 105B) were not available as thinner. To stay in operation, Petitioner requests that it be allowed to use Toluol and SC100 as substitutes for 85C and 105B in the formulation of its paint.

The Environmental Protection Agency (EPA) recommended on February 8, 1974, that the variance be granted. In its recommendation EPA pointed out that:

- 1. Petitioner was granted an Operating Permit on April 24, 1973. This permit included a Compliance Plan whereby compliance with Rule 205(f) would be achieved before December 1, 1973, by reformulation of paints with photochemically nonreactive solvents. Failure to achieve its Compliance Plan resulted in permit expiration on December 1, 1973.
- 2. Petitioner is presently violating the 8 lbs/hour limitation in Rule 205(f) in two of its spray booths. One booth is emitting 10.71 lbs/hour of organic material; the other emits 12.16 lbs/hour.
- 3. "Petitioner's facility is located in an industrial/commercial area and its painting operations do not affect citizens. No complaints concerning Petitioner's facility have been received" by EPA.

We grant Petitioner's variance. Petitioner's shortage of photochemically nonreactive solvents is not self-imposed. Petitioner has demonstrated good faith in its efforts to obtain satisfactory materials. To deny the variance would impose an arbitrary and unreasonable hardship upon this Petitioner.

The Federal Energy Office has established mandatory allocation of petrochemical feedstocks to petrochemical producers - including solvent manufacturers - in a quantity equal to 100 percent of the producers current requirements (Fed. Reg. Vol. 39, No. 10, Part III, Subpart 211J, January 15, 1974). Petitioner should utilize such exempt solvents as they become available.

## ORDER

Petitioner is granted a variance from Rule 205(f) of Chapter Two through June 30, 1974, to use up to 2,400 gallons of nonexempt paint plus 5,100 gallons of photochemically reactive solvents for thinning 18,500 gallons of paint subject to the following conditions:

- (a) Petitioner is required to utilize as much exempt solvent formulations as can be furnished by its suppliers.
- (b) Petitioner must apply to the EPA for an Operating Permit within 30 days of the adoption of this Order.
- (c) Petitioner must submit to the EPA within 90 days of the adoption of this Order a Program of Compliance to replace the initial Compliance Plan which has been affected by shortages of certain materials.
  - (d) Petitioner must submit monthly progress reports to:

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

Said reports must contain:

- (i) Information on the amount of usage of exempt and non-exempt formulations during the period.
- (ii) Steps taken to achieve compliance either by use of exempt solvents or use of alternate technology.

IT IS SO ORDERED.

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 day of man, 1974, by a vote of to o