

ILLINOIS POLLUTION CONTROL BOARD
December 4, 1980

BORG-WARNER CORPORATION, SPRING)
DIVISION,)
)
Petitioner,)
)
v.) PCB 80-129
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by I. Goodman)

On July 10, 1980 Petitioner filed a petition for variance from Rule 205(k) of Chapter 2, the Board's air pollution control regulations, through December 31, 1982. The petition is sought in order to replace nine vapor degreasers with nine alkaline washers which would use a caustic solution which is not as volatile as the solvent (perchloroethylene) used in connection with the degreasers. Hearing was waived by Petitioner.

The Agency's recommendation is to grant variance. The equipment replacement will result in a benefit to the environment because all of Petitioner's present emissions of volatile organic material (VOM) (21.13 lbs./hr.) will be eliminated. Therefore, the photochemical oxidant (ozone) primary nonattainment area in which Petitioner is located, Cook County, will move toward designation as an attainment area by this amount, even though that amount may not be a significant factor.

Petitioner owns a large facility at 700 South 25th Avenue in Bellwood, a mixed industrial and residential area in suburban Cook County. Although the nearest residences are located 700 feet from the facility, the Agency has received no complaints from area residents (Rec., p.3). The facility manufactures metal parts and materials and friction materials. Petitioner's principal market is the automotive industry. Because Petitioner has had to lay off about one-third of its employees (which in 1979 numbered 1,224) and has shut down temporarily during June and again in July of this year, Petitioner has experienced losses in income (Pet., pp.2-3).

Petitioner's facility produces over 100 different products, some of which require aqueous or alkaline cleaning and others of which require "ultra" cleaning. Approximately 60% of the products are used to manufacture automobiles and industrial vehicles and are subjected to vapor degreasing in order to prepare for acid etching

and bonding. Petitioner utilizes four conveyORIZED, and five open top, degreasers in its activities, thus making it subject to the requirements of Rules 205(k)(3)(C) and (B) respectively. None of the degreasers are provided with the air pollution control equipment required by those rules (Pet., p.4). However, Petitioner intends to eliminate all nine degreasers from its operations by the end of 1982 and, with new alkaline wash processes, replace the present hydrocarbon-containing solvent with a mild caustic solution. The cost of the modifications are estimated to be \$300,000, whereas the cost of compliance with Rule 205(k)(3) would total \$100,000.

Petitioner apparently was denied a permit by the Agency recently regarding a new degreaser it had ordered due to noncompliance with Rule 205(k). Petitioner now alleges the "only alternative to incurring [the cost of compliance of \$100,000] is to shut down the degreasing process until permanent compliance can be achieved." The result of this, due to the relationship of the degreasing process to the production of the finished product, is alleged to be the cessation of all production.

Petitioner's compliance plan is essentially to shut down its noncomplying vapor degreasing operations, e.g., not to operate them. It seeks variance from the Board's air pollution control regulations in order to install a new, more environmentally safe, degreasing process. Grant of variance would save Petitioner \$100,000 in interim compliance costs, and it is this cost which Petitioner alleges is the arbitrary or unreasonable hardship necessary in order for the Board to grant variances under the Illinois Environmental Protection Act. The Agency supports this statement of hardship, adding that the present VOM emissions are not significant.

The Board has held in the past that economic losses involved in complying with its regulations alone do not sufficiently demonstrate either an arbitrary or an unreasonable hardship. However, the Board considers all relevant facts regarding whether compliance would impose such hardship, including consistency with applicable state and federal law and the impact upon the environment.

The Board finds that denying this variance would impose an unreasonable hardship upon Petitioner. To order the installation of control equipment to be used for only a relatively short period of time (pending phase out of the vapor degreasers), would not only be environmentally regressive, but environmentally unsound, as it could interfere with Petitioner's plan to eliminate all harmful VOM emissions from the degreasers. Even though the amount of Petitioner's VOM emissions may be insignificant in terms of the total concentrations of photochemical oxidants near the Cook County nonattainment area, they are nonetheless harmful emissions. The Board supports Petitioner's decision to replace polluting sources with nonpolluting sources and will grant variance subject to certain terms and conditions through and including December 31, 1982.

Grant of variance is not inconsistent with the Clean Air Act, the Illinois Environmental Protection Act, or the Board's rules and regulations. In fact, it supports the intent of those enactments. The Agency has represented that it intends to submit the variance as a SIP revision pursuant to 42 U.S.C. §7401, et seq. As such, it will evidence the state's efforts to achieve attainment of the NAAQS as expeditiously as practicable.

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

ORDER

It is the Order of the Illinois Pollution Control Board that Borg-Warner Corporation, Spring Division, be granted variance from Rules 205(j), 205(k)(3)(B), and 205(k)(3)(C) for its facility at 700 South 25th Avenue in Bellwood, Cook County, from July 10, 1980 through and including December 31, 1982 under the following terms and conditions.

1. Borg-Warner Corporation shall apply to the Illinois Environmental Protection Agency for construction permits for the alkaline wash system equipment on or before January 31, 1981.

2. Borg-Warner Corporation shall install test alkaline wash equipment on at least one acid etch line on or before May 15, 1981 and shall complete all necessary testing of this equipment on or before October 31, 1981.

3. Borg-Warner Corporation shall send to the Illinois Environmental Protection Agency at the following address the results of such testing:

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

4. Borg-Warner Corporation shall apply to the Illinois Environmental Protection Agency for operating permits for the alkaline wash system equipment on or before September 31, 1982.

5. Borg-Warner Corporation shall purchase all necessary alkaline washers and other alkaline wash system equipment on or before July 31, 1982.

6. Borg-Warner Corporation shall remove all nine of its present vapor degreasers and any related equipment, and shall completely install and have in proper operation all the alkaline wash system-related equipment referred to in Paragraph 5 of this Order on or before December 31, 1982.

7. Borg-Warner Corporation shall send to the Illinois Environmental Protection Agency at the above address a report on

the operation of the alkaline wash system, including amount of solution used and solution disposal methods, on or before March 1, 1983.

8. Borg-Warner Corporation shall comply with all operating procedures in Rules 205(k)(2)(B) and (C), to the maximum extent practicable, through December 31, 1982.

9. Within 45 days of the date of this Order, the Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Variance Unit, 2200 Churchill Road, Springfield, IL 62706, an executed Certification of Acceptance and Agreement to be bound by all conditions of the variance. This forty-five day period shall be stayed if Petitioner seeks judicial review of this variance pursuant to Section 41 of the Environmental Protection Act. The Form of said certification shall be as follows:

CERTIFICATION

I, (We,) _____, having read the Order of the Illinois Pollution Control Board in PCB 80-129, dated _____, understand and accept the Order and agree to be bound by all of its terms and conditions.

_____, Petitioner
_____, Authorized Agent
_____, Title
_____, Date

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 4th day of December, 1980 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board