

ILLINOIS POLLUTION CONTROL BOARD
April 16, 1981

REGENSTEINER PUBLISHING ENTERPRISE,)
INC.,)
)
Petitioner,)
)
v.) PCB 80-121
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.)

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

Regensteiner Publishing Enterprise, Inc. (Petitioner) on June 20, 1980 filed a petition for variance, amended on August 25, 1980, from Rules 103(b) and 202(b) of Chapter 2: Air Pollution Control Rules and Regulations for three of its printing presses. The Agency's recommendation was to grant variance from Rule 202(b) for Petitioner's presses #82 and #87, but stated that variance was unnecessary for press #83 inasmuch as control equipment for that press is now fully operational and there has been no violation of Rule 202(b). (Rec., p.2.) The Agency recommends denial of variance from Rule 103(b) as unnecessary if variance from Rule 202(b) is granted, citing Rule 103(b)(6)(A), whereas Petitioner seeks variance from Rule 103(b) for all three presses. Hearing in this matter was waived. No public comment has been received.

Petitioner's Chicago facility utilizes six web offset printing presses to produce magazine inserts, sales catalogues, annual reports, and calendars. Petitioner employs 500 persons and typically operates for sixteen hours per day. The presses daily consume over 50,000,000 cubic feet of natural gas for drying purposes. The dryers are the point from which volatile organic materials (VOM) (ink solvents) are emitted. The inks average a 39% solvent content; VOM emissions average under 60 tons per year. Chicago is a nonattainment area for photochemical oxidants (ozone), to which VOM emissions contribute.

All presses are to be equipped with electrostatic precipitators (ESP's) but Petitioner has had operational problems, partially of an unknown cause, with retrofitting the ESP's. Such malfunctions result in VOM emissions which violate the allowable variable interval visible emission limitations in Rule 202(b).

Variance from Rule 202(b) may properly be granted for press #83. Even if at some point after filing for variance the need for variance became unnecessary, variance will protect Petitioner from any violations of the Act and the Board's regulations from the time of the filing of the petition.

The Board finds that Petitioner has taken sufficient steps to comply with Rule 202(b) regarding press #83 by investigating known problems associated with retrofitting the ESP (the tripping of cutoffs of electronic current to individual ionizer cells) and to minimize environmental harm associated with the increased TSP emissions. Petitioner alleges the compliance of press #83 by September 1, 1980. The Board finds similarly with respect to press #87, where the ESP problems involved fouling of the condenser cooling section. Petitioner alleges the compliance of press #87 by April 1, 1981. The Board finds that Petitioner has actively tried to solve the ESP operational problems and, with compliance of both presses scheduled by April 1, 1981, finds that an arbitrary and unreasonable hardship would result by denying variance. Therefore, the Board will grant variance from Rules 103(b) and 202(b) for presses #83 and #87.

Petitioner has no operating permit for press #82, but states that it will apply for an ESP construction permit by April 1, 1981; full compliance is scheduled for May 1, 1982. The hardship pleaded by Petitioner is that to require the use of an afterburner in lieu of an ESP would impose an unnecessary additional cost. Also, to adequately monitor ESP malfunctions requires extended staff attention and corrective adjusting and retrofitting when the ESP is manufactured at a point in time before satisfactory, site-tested developmental improvements may be made. Accordingly, Petitioner seeks additional time to perfect refinements of the ESP and alleges that a more efficient control of VOM will result.

The Board finds that to deny Petitioner a variance for press #82 while it is attempting to solve operating problems of the ESP's for the other presses, and in effect to force Petitioner to install an afterburner rather than an ESP on press #82, would impose an arbitrary and unreasonable hardship. The Agency states that there will be no substantial environmental harm by granting the variance. The Board agrees. There have been no emissions of VOM from press #82 for at least several months and none is scheduled until ESP testing on or about April of 1982. This lack of operation has and will mitigate the increased amount of VOM emitted by grant of this variance and any consequent violations of visible emission limitations. Finally, the Agency states that Petitioner has actively sought satisfactory solutions to its noncompliance for several years. (Rec., p.4).

The Agency intends to submit this variance as a revision to the State Implementation Plan (SIP) (see §110(a)(3) of the Clean Air Act, 42 U.S.C. §7401, et seq.). However, grant of this variance will not insulate Petitioner from enforcement actions under the Clean Air Act until the variance revises the SIP.

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 Regensteiner Publishing Enterprise, Inc. be and hereby is granted variance from Rules 103(b) and 202(b) of Chapter 2, Air Pollution

Control Rules and Regulations, as follows: (1) for presses #83 and #87 through the date of this Order; (2) for press #82 until May 1, 1982. Variance is conditioned on full compliance with the following conditions:

1. Beginning on May 1, 1981, and every three months thereafter, Regensteiner shall submit reports to the Illinois Environmental Protection Agency detailing the progress made in implementing delivery, installation, testing, operation and compliance of the electrostatic precipitator to control volatile organic emissions from press #82. Progress reports shall be submitted to both the Control Program Coordinator, Division of Air Pollution Control, at 2000 Churchill Road, Springfield, IL 62706, and to the Region I Field Operations Section, Division of Air Pollution Control, 1701 S. First Avenue, Maywood, IL 60153.

2. Regensteiner shall submit all required construction and operation permit applications pursuant to Rule 103 of Chapter 2 to the Illinois Environmental Protection Agency on or before May 1, 1981.

3. Regensteiner shall on or before May 1, 1981 submit a Certification of acceptance and agreement to be bound by all terms and conditions of this variance to the Clerk of the Illinois Pollution Control Board, 309 W. Washington St., Ste. 300, Chicago, IL 60606. This condition shall be held in abeyance in any period during which this variance is appealed. Said Certification shall be in the following form:

CERTIFICATION

I, (We,) _____ having read the Order of the Illinois Pollution Control Board in PCB 80-121 dated _____, understand and accept the Order and agree to be bound by all of its terms and conditions.

_____, Petitioner

By _____, Authorized Agent

_____, Title

_____, Date

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 16th day of April, 1981 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board