

American presently emits 295 tons/year of volatile organic materials (VOM) while only 120 tons/year is allowed under Rule 205(n). In order to achieve compliance, American plans to continue its program of reformulating the coatings it uses from high to low solvent materials, to apply the offset provisions of Rule 204 and 205, and to transfer to other states some activities which do not lend themselves to reformulation.

American alleges that the lengthy compliance period is necessitated by the technology forcing aspects of the project as well as the need to satisfy customers and regulatory agencies. The U.S. Environmental Protection Agency has acknowledged inherent delays in developing low solvent formulations. (See Ex. 5, Att. A of Petition). The only alternative for reaching compliance by October 1, 1982, is the installation of two catalytic incinerators (\$367,000 capital outlay and \$100,000/year annual fuel costs) and a carbon adsorption unit (\$225,000 capital outlay and operating costs of \$125,000/year). The total cost for this alternative would be approximately \$1,267,000 for the next 3 years at which time the equipment would become unnecessary, since compliance should be reached by other means by that time.

American further alleges that the granting of variance will not increase present emissions and will provide continued reductions based upon its 3-part compliance plan noted above. While the lack of an increase in emissions is not sufficient to show a lack of environmental harm, American also points out that ozone presents health hazards only on some summer days. Thus, its required participation in the Air Pollution Episode Action Plan should avoid health threats by reducing VOM emissions during ozone alerts. As discussed in the Opinion of the Board in R78-3,4 (August 23, 1979, 35 PCB 243) the potential health problem of VOM emissions is the creation of ozone. Further, an Agency investigation has revealed no verified complaints concerning emissions from the Hoopston plant.

The Agency found that the facts alleged in the variance petition are on the whole accurate.

Therefore, the Board finds that a denial of variance in this case would cause an arbitrary and unreasonable hardship and that the environmental impact of granting the variance would be small.

The Board agrees with the Agency, however, that with diligent effort American could achieve compliance with Rule 205(n)(1)(B) at least one year earlier than the projected date. American has not refuted this. Therefore, the Board will grant variance until October 1, 1984. If American, even after a diligent effort, cannot comply within that time, it may apply for a variance extension. Further, the Board will impose conditions upon the variance to help insure prompt compliance.

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

ORDER

Variance is hereby granted to American Can Co. from Rules 104(c), 205(m)(1)(B), and 205(n)(1)(B) of Chapter 2: Air Pollution, until October 1, 1984, subject to the following conditions:

1. Within 28 days of the date of this Order, and every third month thereafter, American Can Co. shall submit written reports to the Agency detailing all progress made in achieving compliance with Rule 205(n)(1)(B) of Chapter 2. Such report shall include information on the quantity and solvent content of all coatings utilized during the reporting period, and a description of the status of the reformulation program. All such information shall be submitted to the Agency at the following address:
 - a. Environmental Protection Agency
Division of Air Pollution Control
Control Program Coordinator
2200 Churchill Road
Springfield, Illinois 62706.
 - b. Environmental Protection Agency
Division of Air Pollution Control
Region II, Field Operations Section
6415 North University
Peoria, Illinois 61614.
2. Within 28 days of the date of this Order, American Can Co. shall apply to the Agency for all necessary operating permits. Said permit applications shall include a revised compliance program which is consistent with this Order.
3. Within 45 days of the date of this Order, American Can Co. shall execute a certification of acceptance and agreement to be bound to all terms and conditions of the Variance. Said certificate shall be submitted to both the Agency offices at the addresses specified supra, and shall be in the following form:

American Can Company, hereby accepts and agrees to be bound by the terms and conditions of the Order of the Pollution Control Board in PCB 80-213, dated February 5, 1981.

Petitioner

Signed

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 was adoted on the _____ day of _____, 1981 by a vote of _____.

Christan L. Moffett, Clerk
Illinois Pollution Control Board