

ILLINOIS POLLUTION CONTROL BOARD
November 26 , 1975

CONTINENTAL CAN COMPANY, INC.,)
 Metals Division,)
 Petitioner,)
)
 v.) PCB 75-200
)
ENVIRONMENTAL PROTECTION AGENCY,)
 Respondent.)

Mr. Harvey M. Sheldon, Plunkett, Nisen, Elliott & Meier,
appeared on behalf of the Petitioner;
Mr. Peter E. Orlinsky, appeared on behalf of the Respondent.

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

This matter comes before the Pollution Control Board (Board) upon the May 13, 1975, petition of Continental Can Company, Inc. (Can) for variance from Rule 205(f) of the Air Regulations for Plant No. 51, located at 3815 South Ashland Avenue, Chicago, Cook County, Illinois. An Interim Opinion was issued May 15, 1975, requesting additional information pertaining to ambient air quality. The Environmental Protection Agency filed its recommendation August 28, 1975. A hearing was held October 17, 1975 at which time a "Stipulation for an Agreed Order" was presented to the Board.

Can seeks variance from Rule 205(f) for its three coater lines and three litho press lines at Plant No. 51 until October 17, 1975. Petitioner manufactures 46 million cans per year on the lines in question. These cans include pear-shaped ham cans, oblong luncheon meat cans, rectangular luncheon meat cans, and fruit and coffee cans. Petitioner consumes 38,000 gallons of lacquers, 14,000 gallons of coatings, 4,000 gallons of size coatings, and 14,000 gallons of varnishes. As these are food cans, each coating, varnish, or lacquer and their combinations must be FDA approved. Each coating (in the generic sense) is manufactured to customer order and the final composition will include various release agents, toners, and pastes along with the coatings. These coatings contain organic materials and chemical compounds, e.g., acrylics, aklyds, vinyls, phenolics and epoxys.

As explained in the companion opinion issued today, PCB 75-199, which is herewith incorporated by reference as though fully set forth herein, Petitioner had planned to

achieve compliance by reducing organic material used to 20 per cent or less of total volume by May 30, 1975 as permitted by Rule 205(f)(2)(D).

This was not possible and in order to comply, Petitioner has installed an 8,000 CFM catalytic fume incinerator unit and heat exchanger in two coater lines. As of October 17, 1975, the remaining coater lines and three litho press lines have been converted to the use of exempt materials.

The Board does not question Petitioner's good faith in this matter. Five months is not an excessive amount of time in which to achieve compliance. However, as stated more fully in PCB 75-199, Petitioner has not met its burden of proof with regard to the effects upon ambient air quality which the grant of the variance would have. Therefore, the Board must deny Petitioner's variance from Rule 205(f) for Plant No. 51.

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

Mr. Young will submit a Concurring Opinion.

ORDER

It is the Order of the Pollution Control Board that Continental Can Company Inc.'s petition for variance from Rule 205(f) for Plant No. 51 be and is, hereby, denied without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 26th day of November, 1975 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board