

ILLINOIS POLLUTION CONTROL BOARD

May 9, 1974

DEERE & COMPANY,	)	
	)	
Petitioner,	)	
	)	
vs.	)	PCB 73-538
	)	
ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	

OPINION AND ORDER OF THE BOARD (by Mr. Henss)

Deere & Company requests variance from Rule 205(f) of the Illinois Air Pollution Control Regulations for a period of one year in order to use nonexempt solvents in its painting operations in the event supplies of exempt solvents become unavailable. Petitioner manufactures farm machinery at its John Deere Plow and Planter Works (Moline, Illinois) and its John Deere East Moline Works (East Moline, Illinois). Deere intends to bring emissions from its painting operations into compliance with Rule 205(f) by substituting nonphotochemically reactive solvents for photochemically reactive solvents. However, it is anticipated that the nonreactive solvents will be in short supply for at least one year.

Painting operations at the two facilities include spraying, flowcoating and dipping. The East Moline Works uses 1,372 gallons/day and the Plow and Planter Works uses 1582 gallons/day of exempt solvents. Petitioner did not indicate the quantity of solvent emissions being discharged from the two facilities. The Environmental Protection Agency represented Deere's emissions as follows:

	<u>Calculable</u>	<u>Allowable</u>
East Moline Works (30 Sources)	540 lbs./hr.	240 lbs./hr.
Plow and Planter Works (21 Sources)	640 lbs./hr.	168 lbs./hr.

Petitioner submitted letters from its suppliers which indicate that there are shortages of Glycol Ether, Ketones, certain Esters and other components of exempt solvents. None of the suppliers

would guarantee delivery of the solvents required by Deere. It is stated that such shortages could extend for at least one year. Petitioner wishes to use any exempt solvents it can purchase in a tight market but substitute nonexempt solvents when the exempt solvents are unavailable. Deere alleges that the use of nonexempt solvents is the only alternative to the discontinuance of operations. Discontinuance of operations would cause a loss of employment and product vitally needed for food production.

Local air quality measurements show that the Quad City area, in which the Deere plants are located, is in compliance with the National Secondary Air Quality Standard for Photochemical Oxidants of which hydrocarbons are precursors. The data was collected during a time when nonexempt solvents were used and therefore Petitioner contends that its use of nonexempt solvents "should have no additional impact on the public from that already measured."

The Agency recommends the grant of this variance but only until September 1, 1974 subject to a set of strict conditions. We find that many of the conditions are acceptable but the term of the variance should be for a full year.

Deere agreed to some of the conditions the Agency recommended but contends that several of the EPA suggestions are excessive, repetitive and unwarranted. For instance, the Agency asks that Deere test "all other, and new, exempt materials". Deere's response that it should not be required to test every new experimental material, particularly when the company cannot obtain quantities of such material, is in accord with our thinking.

Deere also expressed strong disagreement with innuendo contained in paragraph 10 of the Agency Recommendation. There the Agency had said:

"While air quality monitoring by the Quad City Air Pollution Control Agency in Rock Island shows local air quality to comply with the National Secondary Air Quality Standards for photochemical oxidants, the Agency must reserve its judgment on this data. The measurement procedures were not acceptable to the Agency, the equipment used was not in accord with Federal specifications, and there is a potential conflict of interest, especially as to the Director of the QCARAPCA, who is a retired John Deere employee".

Responding to this allegation, Deere states that the Quad City Area Regional Air Pollution Control Agency was under the direction of Marshall Monarch (now manager of the Air Pollution Standards Division of the Illinois EPA) at the time the monitoring

equipment was selected and installed. During Mr. Monarch's term as Director, the photochemical oxidant readings also indicated compliance with National Secondary Standards. Further, Petitioner states "that including NO<sub>2</sub> corrections in the data calculations (the EPA has orally indicated that failure to do so is improper) would result in lower values for photochemical oxidants" and "in any event, Petitioner knows of no data to contradict that of the QCARAPCA".

We find that the record does not support the innuendo which was contained in paragraph 10 of the Agency Recommendation.

Petitioner has presented adequate proof and the Agency agrees that a variance is needed. We shall grant the variance subject to Deere's continued effort to utilize as much exempt solvent as it can obtain.

#### ORDER

It is the Order of the Pollution Control Board that Deere & Company be granted a variance from Rule 205(f) of the Illinois Air Pollution Control Regulations for its John Deere Plow and Planter Works in Moline and the John Deere East Moline Works in East Moline, Illinois until May 9, 1975 for the purpose of using photochemically reactive solvents when supplies of non-photochemically reactive solvents are unavailable. This variance is subject to the following conditions:

1. The Petitioner shall submit to the Agency the following information on exempt solvents and paints for each facility within thirty (30) days:
  - A) The amount purchased during 1973 and to date.
  - B) Inventory at 1973 year end.
  - C) Usual inventory and maximum inventory capability.
2. Petitioner shall submit to the Agency quarterly status reports stating the amount of photochemically reactive materials emitted from each facility. The first report shall be submitted on or before July 15, 1974.
3. Petitioner shall continue to seek alternative supplies of exempt materials and shall report such efforts in its quarterly status report.
4. Petitioner shall purchase nonexempt materials for each facility only when their specific exempt counterparts are unavailable. Consistent with the needs of both facilities Petitioner shall

purchase photochemically reactive materials in such minimum quantities as will allow a rapid changeover to nonphotochemically reactive materials when those materials become available.

5. Petitioner shall maintain a continuing effort to explore alternative methods of hydrocarbon emission control.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 9<sup>th</sup> day of May, 1974 by a vote of 5 to 0.

Christan L. Moffett