

ILLINOIS POLLUTION CONTROL BOARD

April 10, 1975

WESTINGHOUSE ELECTRIC CORPORATION, )  
Petitioner, )  
 )  
v. ) PCB 74-483  
 )  
ENVIRONMENTAL PROTECTION AGENCY, )  
Respondent. )

OPINION AND ORDER OF THE BOARD (by Dr. Odell)

On December 20, 1974, Westinghouse Electric Corporation (Westinghouse) filed a Petition For Variance with the Illinois Pollution Control Board (Board). On April 25, 1974, in Westinghouse Electric Corporation v. Environmental Protection Agency PCB 74-72, 12 PCB 167 (April 25, 1974), the Board had granted Petitioner a variance from Rule 205(f) of the Air Pollution Regulations (Chapter Two) until December 31, 1974. This grant was to enable it "to operate both its #3 paint dip tank and its #6 bake oven to emit 11.725 lbs per hour of photochemically reactive organic solvent vapors from each." A compliance schedule was included as part of the Order. The Petition For Variance of December 20, 1974, sought a one year extension of the previous grant for the same two emission sources at the earlier levels, both in excess of the 8 pounds per hour limit in Rule 205(f) of Chapter Two.

On January 3, 1975, the Board ordered the Petitioner to file additional information in support of its request. Westinghouse filed more information on January 22. The 90-day period for final Board action under Section 38 of the Illinois Environmental Protection Act (Act) commenced to run from the time of this submission. On March 12, 1975, the Illinois Environmental Protection Agency (Agency) filed its Recommendation.

Petitioner's facility, located at 3900 West 41st Street, Chicago, Illinois, fabricates and assembles motor control centers. Before distribution, the goods are painted and bake-dried at the plant. The #3 paint dip tank and #6 bake oven both operate 8.5 hours per day, 6 days per week for 51 weeks per year. The information from the parties stated that Petitioner began receiving exempt paints and solvents in July 1974 and blended these materials with non-exempt solvents and paints already in its dip tank. On November 27, 1974, an incident at the plant resulted in the contamination of 1,600 gallons of paint at a loss of \$12,000. Additional exempt and non-exempt paints and solvents were blended, but technical problems with this mixture made it unsuitable for commercial use. Suppliers informed Petitioner that the exempt and non-exempt paints formulations and solvents were incompatible. As a result, Westinghouse went back to total use of non-exempt solvents and paints at the end of 1974. In the January 22, 1975, submission,

Westinghouse indicated that a new exempt solvent was on the market but that the supplier would not guarantee its compatibility with its non-exempt paint. If this solvent is used there is a possibility that "fish eyes" will appear on the painted parts causing rejection. Petitioner, however, has gone ahead and is now starting to use this exempt solvent in its #3 dip tank.

The Agency advised the Board to deny the variance. The Agency stated that conversations with Petitioner's personnel revealed that if the new formulation is acceptable, totally exempt coatings can be used within four months from the beginning of the January 8, 1975, experimentation program. The Agency also noted that Westinghouse could achieve immediate compliance with Rule 205(f) by switching to exempt formulations now available. It was the Agency's understanding that the sole reason for the variance request was to enable the Petitioner to continue using the present mixture in the tank, thereby saving the cost of immediate replacement. Citing Board cases, the Agency was of the opinion that cost alone was not sufficient grounds for non-compliance. Finally, the Agency pointed out that Petitioner had already been given one variance to achieve compliance and in any event, should a variance be granted, four months instead of one year should be the maximum length of the variance.

We grant the variance from January 1, 1975, to and including May 4, 1975. While it is generally true that cost alone is not sufficient grounds for the grant of a variance, when coupled with good faith, creating marginal impact on the environment, and without citizen objection, a temporary variance may be justified. A longer variance is not warranted on the facts of this case. Also, warm weather will bring a return of ozone problems to Chicago. It is Board policy to limit hydrocarbon emissions as much as possible during the summer season to protect the people of the community. In National Metalwares, Inc. v. Environmental Protection Agency PCB 74-239, 13 PCB 603 (September 12, 1974) we indicated we were reevaluating our position on granting variances from Rule 205(f) of Chapter Two. We stated, ". . . in the Chicago area, the recent wave of ozone alerts means that additional abatement procedures are necessary to protect the health of the public." Based on the facts of this case, we believe that Petitioner is entitled to a short variance until early May 1975.

#### ORDER

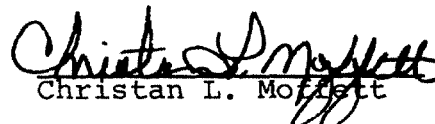
Petitioner is hereby granted a variance from Rule 205(f) of Chapter Two to operate both its #3 paint dip tank and its #6 bake oven at such a level as to emit not more than 11.725 pounds per hour of photochemically reactive organic solvent vapors from each. This Variance, which extends from January 1, 1975, through May 4, 1975, is subject to the following conditions:

1. Petitioner shall submit a report to the Agency by May 15, 1975, detailing its procedures used in achieving compliance with Rule 205(f). Said report shall be sent to: Environmental Protection Agency, Division of Air Pollution Control, Control

Program Coordinator, 2200 Churchill Road, Springfield, Illinois  
62706.

2. Petitioner shall utilize as much exempt solvent  
formulations as practically possible during the variance period.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control  
Board, hereby certify that the above Opinion and Order was adopted  
on the 10<sup>th</sup> day of April, 1975, by a vote of 4 to 0.

  
Christan L. Moffett