

ILLINOIS POLLUTION CONTROL BOARD  
November 26, 1975

CONTINENTAL CAN COMPANY, INC.,        )  
    Metals Division,                    )  
    Petitioner,                         )  
  )  
    v.                                    )       PCB 75-201  
  )  
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 petition of Continental Can Company, Inc. (Can) for variance from Rule 205(f) of the Air Regulations for Plant No. 5 until January 1, 1976. An additional information order was issued May 15, 1975. The Environmental Protection Agency (Agency) filed its Recommendation August 28, 1975. On October 17, 1975, a hearing was held wherein a "Stipulation for an Agreed Order" was submitted to the Board.

The Board has issued its Opinion in two companion cases today, to wit PCB 75-199 and PCB 75-200. Said Opinions are hereby incorporated by reference as though fully set forth herein.

Plant No. 5 (The Clearing Plant) is located at 5401 West 65th Street, Bedford Park, Cook County, Illinois. The emissions sources which are the subject of the variance petition are five coater lines and four press lines for the manufacture of metal plates, ends and tops, used for assembly elsewhere of metal cans and containers.

Petitioner manufactures 122 million sheets of lithographed and coated plates and 860 million ends and tops on the subject coater and press lines per year. This process consumes 40,000 gallons of enamels, 30,000 gallons of coatings, and 15,000 gallons of varnishes annually. These coatings, varnishes and enamels contain organic materials and chemical compounds, e.g., acrylics, aklyds, vinyls, phenolics, and epoxys.

As explained more fully in PCB 75-199, Petitioner had planned to achieve compliance with Rule 205(f) by reducing the organic material used in its process to 20 per cent or less of total volume by May 30, 1975, as provided in Rule 205(f) (2) (D) of the Air Regulations.

When Petitioner realized this would not be possible, it embarked upon an alternate means of compliance. Petitioner has installed an 8,000 CFM catalytic fume incinerator unit and heat exchanger to control emissions on two of the subject coater lines. The remaining lines will be controlled by the use of exempt materials by January 1, 1976. Petitioner has reduced its emissions of photochemically reactive materials at Plant No. 5 by 91% since 1970.

As we have already stated twice today, Petitioner has shown good faith in its efforts to achieve compliance with Rule 205(f). However, here too, Petitioner relies upon a stipulation that its variance would not significantly contribute to violations of the ambient air quality. The Board cannot accept stipulations of this kind, See Continental Can Company, Inc. v. EPA, PCB 75-199. As stated in that case, the Board must reluctantly deny Petitioner the relief sought herein.

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) of the Air Regulations for Plant No. 5 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 26<sup>th</sup> day of November, 1975 by a vote of 4-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board