

ILLINOIS POLLUTION CONTROL BOARD
February 25, 1988

NATIONAL CAN COMPANY,)
)
 Petitioner,)
)
 v.) PCB 87-67
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

MR. MARK STEGER APPEARED ON BEHALF OF PETITIONER, NATIONAL CAN COMPANY;

MS. BOBELLA GLATZ APPEARED ON BEHALF OF RESPONDENT, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY.

OPINION AND ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon a Petition For Variance Extension, filed on May 19, 1987. The Illinois Environmental Protection Agency (Agency) filed its initial recommendation on July 2, 1987. On July 27, 1987, Petitioner filed an Amended Petition For Variance; and the Agency filed Additions To Previously Filed Recommendation on September 17, 1987. On November 6, 1987 Petitioner filed its Second Amended Petition For Variance; and on February 17, 1988 Respondent filed Post hearing Comments. Hearing was held on January 13, 1988 at Hoopston City Hall, Vermillion County, Illinois.

As the matter presently stands, Petitioner seeks a variance from the Emission Limitations For Manufacturing Plants, Can Coating, set forth at 35 Ill. Adm. Code Section 215.204(b)(6). [Pet. p. 1]. The Agency initially opposed Petitioner's request but later recommended approval if certain conditions were imposed. (R. 6).

RELIEF SOUGHT BY PETITIONER

Petitioner seeks a variance until December 31, 1988 from the emission limitations of 35 Ill. Adm. Code Section 215.204(b)(6), which limits emissions of volatile organic matter to 3.7 lb/gal. Petitioner seeks a variance allowing the emission of 4.4 lb/gal of VOM for the duration of the variance. Pet. p. 7.

The asserted purpose of the variance is to allow Petitioner sufficient time to replace the currently used non-compliant end-

sealing compounds. Petitioner states that if the anticipated reformulated compound is unacceptable, it will install sufficient control technology in order to achieve compliance. (R. 4).

The Agency, although initially disapproving of Petitioner's request, now recommends approval with certain conditions. These conditions are more fully set forth, infra.

BACKGROUND

National Can Corporation, located in Hoopeston, Vermillion County, Illinois, is a facility of approximately 323,000 square feet and employs approximately 155 people. The facility manufactures metal containers which are sealed by use of compounds containing volatile organic matter. Hence the operation is regulated by 35 Ill. Adm. Code Section 215.202 et. seq. Although the facility previously utilized soldered can side-seamers, three new welded can side-seamers [using compliant side-seam stripes] have been added. The operation currently consists of the following:

- Three (3) welded side-seam lines
- Three (3) solid side-seam lines
- Seventeen (17) end presses
- Thirty (30) compound liners
- Two (2) gas fired boilers.

VOM emissions do not occur at only one stage in Petitioner's manufacturing process. Although most VOM's evaporate during the drying process, some VOM's are emitted later during coating and compound application phases as well as during conveyance to the packaging area. It is believed that VOM emissions are largely generated by the end-sealing compounds. Rec. p. 5. Stacks are used to exhaust VOM emissions to the atmosphere. Rec. p. 2.

Business fluctuations make use of annual averages difficult and speculative, but Petitioner's facility currently emits less than 250 tons/year; and including emissions expected during the term of the variance emissions should not exceed this amount.

On February 5, 1981, the Board granted Petitioner's predecessor in interest a variance until October 1, 1984. PCB 80-213. That variance was subsequently extended until December 31, 1987, in PCB 84-106. Now Petitioner seeks extension until December 31, 1988.

ENVIRONMENTAL IMPACT

Petitioner's facility is located in Vermillion County, Grant Township, which is in attainment for both primary and secondary National Ambient Air Quality Standards [NAAQS] for all criteria pollutants, except for carbon monoxide (which is unclassified). Rec. p. 6.

According to the construction permit application submitted by Petitioner, estimated VOM emissions from the two, new, end-sealing lines are 34.57 tons/year with an allowable emission limitation of 19.24 tons/year. The increase is 15.4 tons/year in excess of the allowable limit. However, Petitioner has achieved some reduction by transferring sheet coating operations to a facility in Indiana. There are no enforcement actions currently pending against Petitioner.

VOM's are precursors of ozone, which can have adverse health effects on the elderly and on persons with respiratory and cardiac problems. The closest ozone monitor (in Champaign) to petitioner's facility recorded one unhealthful day on June 15, 1987. Recordings taken at that time indicated a level of 0.123 ppm ozone. However, this event is believed to have been caused by transport from the Chicago area. Rec. p. 6. In all Petitioner has reduced its total VOM emissions by 202 tons for the period 1979-1986. Pet. p. 5.

In sum, Petitioner's facility is not likely to cause significant environmental harm during the term of the requested variance. Additionally, Vermillion County is not experiencing a significant, local, ozone exceedance problem. Consequently, the Board finds that any environmental impact caused by the granting of this variance would be minimal.

COMPLIANCE ALTERNATIVES

Petitioner's Second Amended Petition contains several alternatives to the use of compliant VOM end-sealing compounds.

Petitioner claims that it considered compliance via the installation of a drier capture system that drives off VOMs prior to packing, palletizing and warehousing. Exhibit No. 3 attached to the Second Amended Petition presents a scenario utilizing a 70% capture ratio. The projected cost of this system is \$1.4 million, with costs per ton of \$2,424. However, the Petition notes that a 70% capture efficiency may not be achievable. Lower capture efficiencies would result in a proportionally higher cost per ton; and the system could require over two years to develop and test before full implementation.

Petitioner also considered the use of catalytic incineration. However, utilizing this would require a curing room hexane concentration of 1,000 ppm, which would exceed OSHA exposure level limitations. This system's projected cost was \$578 per ton of control. The capture efficiency is believed too low to be effective.

Petitioner has undertaken the testing of new reformulated compliant end-sealing compounds. The first phase has been

successfully completed and the second phase has proceeded without problems. However, customer approval of new end-sealing compounds is a lengthy process. Approval is not expected before spring of 1988.

HARDSHIP AND PLAN OF COMPLIANCE

Since 1980 Petitioner's ratio of VOM exceedance to allowable has decreased markedly. Pet. Table No. 2. There is no reason to believe that this will not continue. Although two new end-sealing lines, which use non compliant compounds, have been added, Petitioner and the Agency are optimistic that this situation will shortly change; Petitioner is currently testing a water-based, fat-resistant, end-sealing compound. This compound has no VOM. Additionally, Petitioner has been notified by one of its suppliers that a compliant, high solids, solvent-based, fat resistant end-sealing compound will soon be available. Pet. 4.

Petitioner has requested a variance to operate new and existing end-sealing lines with non-compliant end-sealing compounds to allow time for the manufacture of compliant compounds. Petitioner believes, that it can introduce these compounds on or before December 31, 1988. Likewise the IEPA believes that Petitioner has "an excellent reformulation possibility that may bring it into compliance during the summer of 1988." (R. 6).

Nonetheless, Petitioner will know in April of 1988 whether its reformulation will be successful. This will provide sufficient time for it to install controls -- if needed. This being the case, the Board finds that the Petitioner would incur an arbitrary or unreasonable hardship were variance not to be granted.

This Opinion contains the Board's findings of fact and conclusions of law.

ORDER

Petitioner is hereby granted a variance from 35 Ill. Adm. Code Section 215.204(b)(6), subject to the following conditions:

1. This variance shall expire on December 31, 1988.
2. Emissions of VOMs from Petitioner's Hoopeston facility shall remain less than 250 tons/year.
3. Petitioner shall submit quarterly written reports to the Agency until December 31, 1988. Those reports shall detail emissions, including a report of emission levels from the Hoopeston facility.

4. Petitioner shall submit to the Agency monthly reports detailing the status of the reformulated process regarding water-based, end-sealing materials currently being investigated.
5. Petitioner shall submit a capture efficiency plan regarding the Hoopeston facility to the Agency on or before March 31, 1988. The plan shall be drafted consistent with a document entitled "Practical Aspects of Determining Capture Efficiency," a paper presented by Mr. Dennis Crumpler, (who is employed by USEPA) at the Air Pollution Control Association's international specialty meeting on "the scientific and technical issues facing post-1987 ozone control strategies." The plan must include a total enclosure system in accordance with Exhibit No. 6, from the hearing on January 13, 1988.

Any modifications to the procedures described in Exhibit No. 6 shall be approved by IEPA and USEPA within four months of submission of the plan. The effect of failure to gain IEPA or USEPA approval to these modifications within the four-month period shall be that Petitioner must conduct the capture efficiency test without modifications, as described in Exhibit No. 6.

6. A calibrated flame ionization detector shall be utilized to measure capture efficiency.

Petitioner shall notify the Agency 20 days in advance of the capture efficiency testing. Such notification shall be supplied to Mr. John Justice, Regional Manager, Collinsville Office of Air Pollution Control.

The capture efficiency test shall be conducted as stated in the plan previously submitted to and approved by IEPA. Test results shall be submitted to the Agency within 14 days of the completion of the study.

Within 45 days after the submission of the test results to the Agency, National Can shall submit a plan outlining the schedule for installation of the control technology eventually agreed upon as a result of the capture efficiency study.

7. Within 90 days after the submission of the test results to the Agency, National Can shall file an application for construction permit with the Agency, and construction shall not begin prior to Petitioner's receipt of its construction permit.

- 8. During the period of variance, the alternative emission limitation applicable to National Can's end-sealing compounds shall be 4.4 pounds of volatile organic material per gallon, minus water from a running total of 12 months of data.
- 9. The plans and reports specified to be submitted to the Agency under this variance shall be sent to the following address: Illinois Environmental Protection Agency, Division of Air Pollution Control, 1340 North 9th Street, Springfield, Illinois, 62706.
- 10. Within forty five (45) days after the date of this Order the Petitioner shall execute and send to:

Ms. Bobella Glatz
 Enforcement Attorney
 Illinois Environmental Protection Agency
 2200 Churchill Road
 P.O. Box 9276
 Springfield, IL 62794-9276

This variance shall be void if Petitioner fails to execute and forward the certificate within the forty-five day (45) period. The forty-five day period shall be held in abeyance during any period that this matter is being appealed. The form of said Certification shall be as follows:

CERTIFICATION

I, (We), National Can Corporation, having read the Order of the Illinois Pollution Control Board, in PCB 87-67, dated February 25, 1988, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

 Petitioner

 By: Authorized Agent

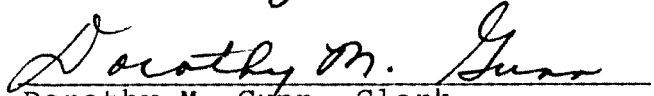
 Title

 Date

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1985, ch. 111-1/2, par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 25th day of February, 1988 by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board