

ILLINOIS POLLUTION CONTROL BOARD
July 17, 1975

INTERNATIONAL HARVESTER COMPANY,)
Petitioner,)
)
v.) PCB 74-487
)
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

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

On December 26, 1974, Petitioner, International Harvester Company (Harvester) filed with the Pollution Control Board (Board) a "Motion to Extend Variance"; this was treated by the Board as a new Petition for Variance. A Recommendation of the Environmental Protection Agency (Agency) was received on February 10, 1975. Pursuant to Motion and agreement of the parties, this matter is decided without hearing.

On March 21, 1974, the Board granted Harvester a Variance from Rule 205(f) of Chapter 2: Air Pollution of the Board's Rules and Regulations; that variance extended until December 31, 1974 subject to several conditions. International Harvester v. EPA PCB 73-559, 11 PCB 635 (1974). That Variance concerned Harvester's farm equipment manufacturing plant, located in Canton, Fulton County. The Board found that Harvester had proceeded in good faith in its attempts to achieve compliance with the photochemically reactive solvent standard of Rule 205(f) with regard to that plant's usage of 102,000 gallons of paint and 30,000 gallons of solvent per year, which then produced 172.7 lbs. per hour of photochemically reactive organic material. In summary, Harvester's compliance plan consisted of a conversion to the use of non-photochemically reactive solvents.

During 1974, Harvester succeeded in completely substituting non-reactive solvents, and in replacing all but two of its paint formulations with non-reactive paints, amounting to a total of 81% non-reactive paint. However, Harvester states that it was unable to find a non-reactive paint suitable for use in one manufacturing operation employing an air-drying paint system. The Agency's Recommendation states that the

operation concerned is the manufacturing of plowing implements. Five assembly lines engaged in that operation feed into a single spray booth, which does not have a drying oven. To avoid slowing down the construction phase of the operation, it is necessary that the painted surfaces dry quickly. Since the process was designed for air-drying, Harvester had a very small number of solvents from which to choose; a photochemically reactive paint proved to be the only one acceptable.

Rule 205(f) sets a limit of 8 lbs per hour on the discharge of organic material from any emission source into the atmosphere; Harvester alleges, and the Agency agrees, that present emissions from its single source amount to 16.5 lbs per hour.

Harvester now proposes to achieve compliance by making a number of changes in its paint systems, to allow the use of non-reactive paints which cannot be used in the present air-drying process. These changes include a large scale relocation of manufacturing equipment in the plant so that a baking procedure, which is not presently used with the paint in question, can then be used with a substituted, non-reactive paint. The December 26, 1974 petition in this matter estimated that 100% non-reactive paints would be in use by December 31, 1975, and requested Variance until that date.

Based on its investigation, the Agency recommends that this Variance Petition be granted. The Agency believes that Harvester has shown steady progress in achieving compliance with Rule 205(f), and has tried in good faith to substitute non-reactive paints into the present process. The Agency notes that Harvester's Canton plant is in a mixed commercial-light industrial and residential area, and that no objections to the grant of this Variance have been received.

The only matter on which the parties disagree is the length for which this Variance should be granted. The Agency's Recommendation noted that Harvester's present compliance plan predicted relocation of the first of the relevant assembly lines in February, 1975, with one assembly line to be relocated each month thereafter. Thus, by the end of June, 1975, Harvester should have achieved compliance, although the Variance is requested until December 31, 1975.

In its motion for decision without hearing, filed March 13, 1975, Harvester estimated 100% compliance by July 1, 1975. Thereafter, in Harvester's response to the Agency's response to its motion for decision without hearing, Harvester agreed to the terms of the Agency's Recommendation which requested that the Variance be granted only until July 1, 1975. On these pleadings, a grant beyond that date would be unnecessary.

As noted above, we found Harvester's compliance plan to be reasonable when originally granting this Variance. On the information now before us, we feel that Harvester has attempted in good faith to proceed with this compliance plan, and that the variance requested here is warranted. The actions now being undertaken to achieve 100% compliance are apparently extensive, and would seem to involve considerable disruption of Petitioner's manufacturing process. On these facts, we shall grant the requested variance until July 1, 1975.

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

ORDER

It is the Order of the Pollution Control Board that Petitioner International Harvester be granted a Variance from Rule 205(f) of Chapter 2: Air Pollution, of the Board's Rules and Regulations, from December 31, 1974, until July 1, 1975. This Variance is granted subject to the condition that Petitioner proceed with the compliance plan detailed in the accompanying Opinion, and report on the completion of that plan to the Environmental Protection Agency, no later than 30 days from the date of this Order, at the following address:

Environmental Protection Agency
Control Program Coordinator
Division of Air Pollution Control
2200 Churchill Road
Springfield, Illinois 62706

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 17th day of July, 1975, by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board