

ILLINOIS POLLUTION CONTROL BOARD  
July 31, 1975

GENERAL ELECTRIC COMPANY, )  
Petitioner, )  
 )  
v. ) PCB 74-188  
 )  
ENVIRONMENTAL PROTECTION AGENCY, )  
Respondent. )

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

This case comes before the Board upon petition of General Electric Company (G.E.) for variance from the limitations of Rule 205(f) as specified in the Air Pollution Control Regulations (Air Regulations) as it applies to their installation located in Danville, Illinois.

The operation for which the variance is sought is an electro-static painting facility used to apply a baking enamel to carbon steel enclosures for ballast transformers. The plant's total process involves the manufacture of power supplies and light intensity controls for high intensity, fluorescent and numerous other types of gaseous discharge lamps. These devices for ballast are used for industrial and commercial general lighting, area lighting and home lighting.

The history of this petition for variance starts with a permit application by G.E. in July of 1973. According to the record, a permit was issued by the Illinois Environmental Protection Agency (Agency) in August of 1973 to run until April of 1974, in consideration of a compliance schedule which indicated that G.E. would solve their solvent operation by employment of complying non-photochemically reactive solvents. In December of 1973, G.E. submitted a new application for operating permit to cover its solvent operation which stated that G.E. had abandoned its previously articulated compliance plan and, instead, expected to reduce its paint usage to 5,000 gallons or less per year by use of prepainted material. G.E. felt that this action would bring it into compliance with Rule 103(i)(7) which states that no permit is required for "painting operations using not in excess of 5,000 gallons of paint (including thinner)." In addition, G.E. presumed that this action would bring them into compliance with Rule 205(f)(2)(D) which provides for an exemption for anyone whose compliance program provides for the reduction of organic material used in processes to 20% or less of total volume by May 30, 1975. This new permit application was denied by the Agency stating that Rule 205(f)(2)(D) essentially envisioned a changeover

to aqueous base paints. At that time G.E. filed the instant variance petition.

The Agency and G.E., in a long series of petitions, amended petitions, recommendations, amended recommendations and letters, argue at length concerning G.E.'s interpretation of the 80% reduction rule and its application to G.E.'s process and whether G.E. had indeed shown good faith in their attempt to come into compliance with the Board's regulations. Notwithstanding all of these arguments, the record shows that G.E., for whatever reason, economic or environmental, has since 1970 continuously reduced their usage of photochemically reactive solvents so that by March 3, 1975, the Danville plant has eliminated all photochemically reactive solvents from its processes. Said elimination was achieved by transferring some production to other facilities whose processes do not require solvents; by using some pre-painted material; and by shifting to non-photochemically reactive solvents.

The Board finds that although there were some missteps and delays in the compliance program of G.E. due apparently to misunderstandings and a temporary termination of the operation at Danville, G.E. has pursued compliance with the Board's regulations in good faith. The Board also finds that G.E. has carried its burden of proof concerning unreasonable hardship as it pertains to this variance petition. The record indicates that G.E. experienced problems in 1974 with regard to availability of the exempt solvents. The Board notes that the availability problem with regard to exempt solvents during 1974 has been presented before in numerous other cases. The hardship involved in shutting down a line due to unavailability of complying solvents and the attendant loss of trained people and product market is suitably presented in the record.

The Agency, in its final letter of May 15, 1975, correctly notes that G.E.'s request for a variance from January 1, 1974 to March 3, 1975 cannot be granted since the starting date of January 1, 1974 was first proposed in G.E.'s April 1, 1975 brief subsequent to the hearing and cannot therefore be considered an amendment to their petition for variance. The Board will thus grant a variance to G.E. for their Danville operation from Rule 205(f) of the Air Regulations from May 21, 1974 to January 1, 1975 as requested by G.E. in its petition for variance dated May 21, 1974.

This Opinion constitutes the findings of fact and conclusions of law of the Pollution Control Board.

ORDER

It is the Order of the Pollution Control Board that variance from the limitations of Rule 205(f) of the Illinois Air Pollution Control Regulations be granted to the General Electric Company at their Danville, Illinois, plant for the period May 21, 1974 to January 1, 1975.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 31<sup>st</sup> day of July, 1975 by a vote of 5-0.

  
\_\_\_\_\_  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board