

ILLINOIS POLLUTION CONTROL BOARD
April 4, 1974

ROPER CORPORATION,)	
)	
Petitioner,)	
)	
vs.)	PCB 74-22
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

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

This is a Petition for a Variance filed by the Roper Corporation (hereinafter "Petitioner") with the Environmental Protection Agency (hereinafter "Agency") on January 16, 1974.

Petitioner operates a facility for the manufacture of gas and electric ranges in Kankakee.

Petitioner's operation includes an electrostatic paint spray system for applying paint to pre-conditioned ware and Petitioner is seeking a variance from Rule 205(f) of Air Pollution Control Regulations for a period of one year.

Petitioner's facility contains three sources of emissions of organic materials: two water wash booths (each containing three electrostatic spray guns) and one curing oven. Petitioner estimates that its total emission of solvents is 69.9 lbs/hr. Since the solvents employed by Petitioner are photochemically reactive, Rule 205(f) limits emissions of solvents from the paint spray system to eight lbs/hr.

On August 20, 1973, Petitioner was granted an operating Permit by the Agency for its metal painting operations. Petitioner's permit application contained a compliance plan which stated that compliance with Rule 205(f) would be achieved prior to December 31, 1973 (effective date of the Rule) by reformulating its paints to include only exempt solvents, and by switching to exempt solvents for use as paint thinners. Petitioner now alleges that due to the current shortage of non-photochemical solvents, it is not possible to follow its compliance plan.

Petitioner further alleges that failure to obtain a variance would impose a severe hardship in that thermal oxidation, the only alternative means of compliance, is both costly (\$100,000 for equipment plus \$90,000 annual operating costs) and require large amounts of scarce natural gas. Petitioner alleges that its hardship outweighs that which would be suffered by the environment if a variance is granted.

Petitioner's facility is located in a highly industrial area. The Agency has received no complaints from persons living or working in the area concerning Petitioner's operations.

The Agency is aware of the current nationwide shortage of non-photochemical solvents and notes that Petitioner is not unique in its inability to obtain said solvents. The Agency also believes that due to the current shortage of natural gas, thermal oxidation is not, at this time, a viable means by which Petitioner may achieve compliance with Rule 205(f).

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

IT IS THE ORDER of the Pollution Control Board that Petitioner be granted a Variance from Rule 205(f) for a period of one year from the date of this Order subject to the following conditions:

a. Commencing 30 days after the Board's Order herein, Petitioner shall submit bi-monthly reports to the Agency detailing all progress made toward the eventual compliance with Rule 205(f). Said reports shall be sent to:

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

b. Petitioner shall utilize as much exempt solvent formulations as can be furnished by its suppliers.

c. Within nine months of the Board's Order herein, Petitioner shall submit a revised compliance plan to the Agency. This plan may:

1. Achieve compliance at the expiration of the Variance by replacement of photochemically reactive solvents with non-reactive solvents demonstrated to be readily available

or

2. Achieve compliance at the expiration of the Variance by qualification under the Alternative Standard of Rule 205(f)(1)

or

3. Achieve compliance by May 30, 1975 under the provisions of Rule 205(f)(2)(D).

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on this 4th day of April, 1974 by a vote of 5 to 0.

Christan L. Moffett