

ILLINOIS POLLUTION CONTROL BOARD  
May 5, 1988

TRANSCRAFT CORPORATION,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 87-194
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

MR. JAMES O'DONNELL AND MR. WILLIAM INGERSOLL APPEARED ON BEHALF OF THE RESPONDENT.

MR. BRUCE AGNE APPEARED ON BEHALF OF THE PETITIONER.

OPINION AND ORDER OF THE BOARD (by Michael Nardulli):

This matter comes before the Board in a Petition for Variance filed on behalf of the Transcraft Corporation (hereinafter "Transcraft") of Anna, Illinois. The original petition was filed on December 10, 1987. In response to a Board order of December 17, 1987, an amended petition was filed on January 18, 1988. Transcraft requests variance from the Emission Limitation for Manufacturing Plants in 35 Ill. Adm. Code 215.204(j) and from the requirement of 201.148 which requires any compliance plan to be a binding condition of the operating permit for the source. The requested period for the variance is until December 31, 1988.

Public hearing was held on March 15, 1988 at 10:00 a.m. at the Anna City Hall, 123 W. Davie, Anna, Illinois. The Hearing Officer was Mr. Todd Parkhurst. The parties agreed that no written briefs would be submitted. The Illinois Environmental Protection Agency (hereinafter "Agency") filed its recommendation to deny the request for variance on March 7, 1988. The Statutory Decision Deadline for the request for variance is May 7, 1988.

Based on the record, the Board finds that Transcraft's request for variance should be denied. The petition submitted by Transcraft fails to develop a timetable for compliance, does not discuss the issue of environmental impact and presents an inadequate review of alternative methods available to achieve compliance. The Board will not grant a variance without stronger assurances that Transcraft will be in compliance with Section 215.204 after the variance has terminated.

BACKGROUND

Transcraft is a manufacturer of platform semitrailers located in the City of Anna, Union County. The sources which are the subject of this variance are two paint spray booths. Transcraft uses approximately 37,000 gallons of paint per year with an average of 5 pounds per gallon of volatile organic material (hereinafter "VOM"). Approximately 92.5 tons of VOM emissions are exhausted into the atmosphere per year. A maximum of 3.5 pounds per gallon of VOM is allowed under Section 215.204(j)(2) which regulates emission limitations for air dried coatings for metal products in manufacturing plants. Prior to the effective date of Section 215.204(j), Transcraft was in compliance with VOM Emission Regulations. Transcraft employs 175 people. The State of Illinois was required to have an approvable ozone SIP by December 31, 1987. 35 Ill. Adm. Code 215.204(j) has not yet been approved by the United States Environmental Protection Agency as part of the State Implementation Plan (SIP) to attain and maintain primary and secondary air quality standards under the Clean Air Act (42 U.S.C. Section 7401 et seq). If the recommended variance is granted by the Board subsequent to approval of 215.204(j), a SIP revision will be necessary for the State to be in compliance.

PETITIONER'S COMPLIANCE PLAN

In the petition for variance filed with the Board on December 10, 1987 and amended on January 8, 1988, Transcraft indicates that their ability to comply with the requirements of Section 215.204(j) is dependent on the ability of the paint manufacturers to formulate a "high solid coating" with a 3.5 pound maximum VOM per gallon that would meet Transcraft's requirements for drying time and customer satisfaction. No alternative methods of compliance were presented in the petition, and no measures to minimize emissions during the variance period were proposed. Transcraft's compliance date of December 31, 1988 is based on assurances from paint manufacturers that they would be able to formulate a product to meet Transcraft's requirements by the end of the year. The Petitioner admits in their petition that the paint manufacturers cannot be specific as to when, or if, they will find a solution.

HARDSHIP AND ECONOMIC IMPACT

In their petition for variance, the Petitioner states that the denial of the variance would "impose an unreasonable hardship on [their] ability to continue manufacturing in a workmanlike and competitive manner". The Petitioner also maintains that due to the slow drying time of the presently available high solid coatings, and the limited paint booth capacity of their production facility, they would be forced to slow their production if the variance is not granted. The reduction in

production would subsequently result in the elimination of sixty-five (65) jobs and the laying off of sixty-five (65) employees. If these hardships can be shown to be the unavoidable results of the denial of the variance, there would be unquestionable hardship associated with the denial of the requested variance. However, because alternative methods of compliance were not submitted, it is not clear that these results are unavoidable.

Contrasting with the issue of hardship is the issue of environmental impact. The materials emitted from Transcraft have a slight solvent odor. However, no odor complaints have been recorded. Additionally, Union County is considered an attainment area for ozone. The nearest ambient air monitoring station is located in Marion, Illinois, thirty (30) miles to the northeast of the Transcraft plant. During 1986, the two highest ozone readings at this monitoring station were 0.103ppm and 0.095ppm. The standard for ozone is 0.12ppm. Granting of the requested variance will adversely affect the air quality of Union County and the surrounding region. However, the region will still be an attainment area for ozone. Transcraft's compliance with the standards established in 215.204(j) will significantly reduce the amount of VOM emitted from their facility.

#### AGENCY RECOMMENDATION

In its variance recommendation of March 7, 1988, the Agency argues that the Petitioner's compliance plan fails to provide a timetable for compliance and that the target date of December 31, 1988 is totally arbitrary. The Agency also maintains that the petition for variance is insufficient because it fails to supply the Board with information on alternative methods of compliance, cost of compliance, economic data to support claims of economic hardship, environmental impact or information on intermediate measures to minimize the impact of the discharge of contaminants. The Agency also focuses on the fact that this compliance plan would need to be submitted to the USEPA as a SIP revision. The Agency believes that any SIP revision regarding this variance would be disapproved by the USEPA. For the aforementioned reasons, the Agency recommended that the request for variance be denied. However, the Agency does state that the Petitioner should be able to formulate an acceptable compliance plan by committing to the installation of a VOM afterburner incinerator or by committing to install a third paint booth to allow the use of low VOM coatings.

#### SUMMARY

The Board notes that the petition for variance is deficient in a number of areas. The required information not included in the petition is vital for the Board to determine the impact the variance would have, as well as to ensure the Board that the compliance target date will be met. Without this information the

Board is hesitant to grant a variance. Therefore, the Board will deny the request for variance.

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

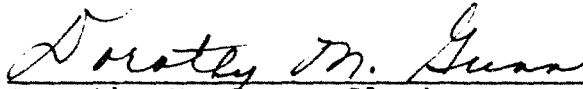
ORDER

Petitioner, Transcraft Corporation, is hereby denied variance from 35 Ill. Adm. Code 215.204(j) and 201.140.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1985 ch. 111 $\frac{1}{2}$  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 5<sup>th</sup> day of May, 1988, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board