

ILLINOIS POLLUTION CONTROL BOARD
May 16, 1985

AMERICAN CAN COMPANY,)
)
 Petitioner,)
)
 v.) PCB 84-157
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

MR. KEVIN G. McANANEY, DEWEY, BALLANTINE, BUSHBY, PALMER & WOOD,
APPEARED ON BEHALF OF PETITIONER.

MR. JOSEPH R. PODLEWSKI, JR., ATTORNEY, APPEARED ON BEHALF OF
RESPONDENT.

OPINION AND ORDER OF THE BOARD (by J. Theodore Meyer):

This matter comes before the Board on an October 29, 1984 petition of the American Can Company (American) requesting extension of a previous variance granted by the Board in PCB 80-169 (December 4, 1980) which expired on December 31, 1984. American seeks extension of its variance to December 31, 1985 from the volatile organic matter limitations (hereinafter referred to as "volatile organic compounds" or "VOC") of Rules 104(c), 205(m) and 205(n) of Chapter 2: Air Pollution Control Regulations (now recodified at 35 Ill. Adm. Code 201.243, 215.202 Appendix C, and 215.204 respectively). The Illinois Environmental Protection Agency (Agency) filed its recommendation on January 17, 1985, that the extension be granted subject to conditions, pursuant to leave to file the recommendation instanter granted by Board order on January 24, 1985. Notice was given and hearing was held on March 20, 1985, as required by Federal regulations. 40 C.F.R. 51.4 and 51.6 (1984). No members of the public attended the hearing. American requested that the record, opinion and order from the proceeding in PCB 80-169 be incorporated into this extension petition.

American manufactures cans for a wide variety of end uses at a 1,875,000 square foot plant located at 6017 South Western Avenue in Chicago, Illinois (hereinafter the "Englewood plant"). The plant operates twenty-four hours a day for five days a week and employs approximately 900 individuals (Pet. at 7). The can manufacturing process involves the application of interior and exterior sheet base coats, overvarnishes, sideseam spray coatings and end-sealing compounds which all contain VOC. Most of the VOC evaporates during the drying process although a small portion evaporates during application and conveyance to the

dryers and ovens. The VOC emissions are ultimately exhausted through stacks to the atmosphere.

American's 1980 to 1984 VOC emission data, as submitted by the Agency including a 1985 VOC emission estimate, is summarized below:*

<u>Year</u>	<u>Actual</u> <u>lb VOC/yr</u>	<u>Allowable</u> <u>lb VOC/yr</u>	<u>Excess</u> <u>lb VOC/yr</u>	<u>Tons VOC/yr</u>
1980	951,906	582,379	369,527	184.7
1981	788,467	543,852	244,615	122.3
1982	650,039	492,590	157,449	78.7
1983	1,057,294	548,671	508,623	254.3
1984	679,078	597,158	81,920	40.96
1985	548,087	597,792	-49,705	-24.8

Pursuant to Section 215.202 Appendix C (formerly Rule 205(j)), American was to bring its coating operations into compliance with the VOC emission limitation of Section 215.204(b) by December 31, 1982. Upon determining that it would be unable to comply by that date, American applied in the original proceeding for a variance until December 31, 1985. However, the Board granted variance only to December 31, 1984 agreeing with the Agency that no reason was presented as to why American could not attain compliance by the close of 1984 (Op. at 4). Unable to meet the 1984 compliance deadline, American now requests an extension to December 31, 1985.**

During the period of the original variance, American employed several strategies to reduce VOC emissions, including use of high-solid coatings, fume burners and catalytic incinerators. Using these methods, American was able to reduce VOC emissions from 184.70 tons/year over the allowable to 40.96 tons/year over the allowable during the period from 1980 to 1984. (See Attachments A, B, and C of Affidavit of Robert A. Gere). Despite this achievement, American was unable to come into full compliance due to "slower than expected development of low solvent and other compliant materials", lack of success of its ultraviolet curing process for overvarnishes and insufficient available internal emission offsets (Pet. at 12, 16, 17). The Agency notes that arguably American could have replaced the fume burners now in use on all but five coating lines with catalytic incinerators to achieve compliance (Rec. at par. 10).

*The Board wishes to emphasize that the applicable emission limitations in Section 215.204(b) are expressed in kg/l or lb/gal limits on VOC in coating materials.

**American also requests that its existing operating permit be extended to December 31, 1985 (Pet. at 7). The initial decision to either grant or deny this relief is the Agency's prerogative subject to applicable law and regulation.

incinerators would be approximately \$1.6 million (Pet. at 27). Petitioner contends that because it expects the Englewood plant to achieve compliance shortly that installation of costly control equipment to control emissions for less than one year would constitute an arbitrary and unreasonable hardship (Pet. at 6).

Instead, American proposes to continue introduction of low solvent materials into its production processes. A new overvarnish is expected to be fully implemented during 1985 resulting in an increase of compliant varnishes in relation to all varnishes from less than one percent in 1984 to 71 percent in 1985. American also continues to develop a high solids white coating and to introduce compliant sideseam sprays as they become available (Pet. at 18-19). In addition, control equipment now installed will continue to be used to maximize its effectiveness. One of the coating lines now equipped with a catalytic incinerator will be retrofitted with additional equipment costing \$65,000 to help ensure that all high solvent material applications are run on incinerated lines (Pet. at 19). American also intends to use an internal offset pursuant to 35 Ill. Adm. Code 215.207 to demonstrate compliance. It estimates that changes in the varnish and end-sealing compound operations will provide an offset of 59 tons VOC sufficient to cover 34 tons excess VOC emissions due to sideseam spray and coating operations (Affidavit of Robert Gere, par. 23, at 9).

Finally, American states that if it appears by November 30, 1985 that these measures will not result in compliance by the year's end, it will immediately begin installation of additional catalytic incinerators so that full compliance will be achieved. The Agency, however, recommends that because installation of this equipment will require receipt of construction and operating permits that this assessment should be made no later than September 1, 1985.

The Englewood plant is located in Cook County which is a non-attainment area for ozone, a criteria pollutant for which there are both identical State and Federal primary and secondary ambient air quality standards (0.12 ppm (235 ug/m³

The potential health problem associated with the emission of VOC is the creation of ozone. As noted by the Board in the previous opinion, high ozone levels can have adverse health effects, especially upon the elderly and people with respiratory

and cardiac problems (Op. at 2). Ozone can accumulate to unacceptable levels during the summer months. However, in the previous proceeding, as in this, the Agency has stated that granting the variance should not cause any adverse effects since American's total VOC emissions should be continually decreasing from their present level. American also notes that there are existing procedures, namely ozone episode plans, to control or eliminate serious ozone threats to the public health during the critical months (Pet. at 21).

The Board finds that granting this variance will have a minimal environmental impact due to its short term nature and the relatively small amount of VOC to be discharged. The Board also finds that to require American to immediately comply by installing catalytic incinerators at a cost of \$1.6 million constitutes an arbitrary and unreasonable hardship. American is diligently pursuing compliance through the use of low solvent technology and maximal use of its existing control technology. It has further committed itself to comply by installing incinerators should these strategies be unsuccessful. However, the Board agrees with the Agency that the determination of whether the incinerators should be utilized should be made before November 30, 1985 and that October 1, 1985 is a reasonable date.

Because Sections 201.243, 215.202 Appendix C and 215.204(b) were approved by USEPA as part of the State Implementation Plan (SIP), grant of this variance will necessitate a SIP revision. The Agency has opined that grant of this variance, consistent as it is with their recommendation, should be approvable as a SIP revision. Accordingly, variance is granted from 35 Ill. Adm. Code 201.243, 215.202 Appendix C and 215.204(b) until December 31, 1985, subject to conditions.

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

ORDER

American Can Company is hereby granted a variance from 35 Ill. Adm. Code 201.243, 215.202 Appendix C and 215.204(b) until December 31, 1985 subject to the following conditions:

1. American shall continue to submit quarterly written reports to the Agency until December 31, 1985, detailing all progress made in achieving compliance with the VOC emission limitation of 35 Ill. Adm. Code 215.204(b) at the Englewood plant. Such reports shall contain monthly information on the quantity and solvent content of all coatings, overvarnishes and sideseam sprays utilized during the reporting period which reflects the impact of reformulated materials on VOC emissions. These reports shall also describe in detail the progress made by American to develop compliant coating materials during the preceding three months, as

well as the projected progress to be made in achieving compliance during the following quarter. The first quarterly report of 1985 shall include copies of material data sheets showing the composition (in terms of percentages of solid, solvent and water) of all coatings which will be applied at the plant. All of the above information shall be submitted to the Agency at the following addresses:

Manager, Permit Section
Division of Air Pollution Control
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

Manager, Field Operations Sections
Division of Air Pollution Control
Illinois Environmental Protection Agency
1701 South First Avenue
Suite 600
Maywood, Illinois 60153

2. On or before October 1, 1985, American shall submit to the Agency at the addresses provided in Condition 1 above a program to install appropriate control technology which will bring the Englewood plant into compliance with the applicable VOC emission limitation if it does not reasonably expect to achieve compliance with that emission limitation by December 31, 1985 through utilization of low solvent coatings, present control equipment and allowable internal offsets. The alternate compliance program shall provide for final compliance with the applicable VOC emission limitations by December 31, 1985.

3. Within forty-five (45) days after the date of this Order the Petitioner shall execute and send to:

Mr. Joseph R. Podlewski, Jr.
Enforcement Attorney
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

a certification of acceptance of this variance by which it agrees to be bound by its terms and conditions. This forty-five (45) day period shall be held in abeyance for any period which this matter is appealed. The form of the certification shall be as follows:

CERTIFICATION

American Can Co. hereby accepts and agrees to be bound by all terms and conditions of the Order of the Pollution Control Board in PCB 84-157, May 16, 1985.

AMERICAN CAN CO.

By _____
As Authorized Agent

Title

Date

IT IS SO ORDERED.

Board Member Bill Forcade dissents.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 16th day of May, 1985, by a vote of 5-1.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board