

ILLINOIS POLLUTION CONTROL BOARD
November 3, 1988

GENERAL TIRE, INC.,)
)
 Petitioner,)
)
 v.) PCB 88-87
)
 ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

DANIEL F. O'CONNELL, ESQ. OF GARDNER, CARTON AND DOUGLAS,
APPEARED ON BEHALF OF THE PETITIONER.

DEBORAH A. STONICH, ESQ. AND BOBELLA J. GLATZ, ESQ., ASSISTANT
ATTORNEYS GENERAL, APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by M. Nardulli):

This matter comes before the Board upon a May 16, 1988
Petition for Variance filed on behalf of General Tires, Inc.
(hereinafter "General"). The Petitioner seeks a variance from 35
Ill. Adm. Code Sections 215.462 and 215.465 (hereinafter "Green
Tire Rules") to allow it time to install and operate a water-
based outside lubricant spraying system for its green tire
spraying operation at its Mount Vernon plant. The duration of
the requested variance would be until December 31, 1989. General
is also seeking variance from the requirement to file a
compliance plan by December 31, 1986 pursuant to Section
215.466(c). The duration of this variance would be until
December 31, 1987.

The Illinois Environmental Protection Agency (hereinafter
"Agency") filed a recommendation to grant the variance, subject
to conditions, on September 21, 1988. Public hearing was held in
this matter on September 28, 1988 in Mount Vernon, Jefferson
County. Two people testified for General. The Agency did not
present any witnesses. No members of the public were present.
At hearing, the parties agreed that no written briefs would be
submitted. The Statutory Decision Deadline was extended by the
Petitioner until November 11, 1988.

Based on the record, the Board finds that the request for
variance should be granted subject to the conditions recommended
by the Agency. Compliance with the rule would impose an
arbitrary or unreasonable hardship on the Petitioner.

- Complete fabrication of spray booths and dehumidifier February 28, 1989
- Complete final checkout of spray booths and dehumidifier, and ship March 31, 1989
- Complete fabrication of conveyors and mechanical assemblies April 29, 1989
- Complete final checkout of conveyors and mechanical assemblies, and ship May 31, 1989
- Begin installation of spray booths, dehumidifier and enclosures June 30, 1989
- Being installation of conveyors, mechanical assemblies, wiring and controls August 31, 1989
- Complete installation September 30, 1989
- Complete debugging of mechanical and electrical systems October 31, 1989
- Complete production shakedown and release system for production December 31, 1989

One of the existing solvent-based spray booths will be retained to apply sidewall lubricant to low-volume tire lines which cannot be manufactured using water-based lubricants. General will limit production through this booth so that total VOM usage for General's outside spraying operations will not exceed 10% by volume of total outside lubricant usage.

In their petition, General reviewed other means of compliance it had examined. These alternatives included the elimination of the use of any outside lubricant in its tire production, the installation of add-on control systems to limit VOM emissions from the green tire spraying operations and alternate water-based processes. It was determined that the present compliance plan would be the most technically feasible and financially sound. However, by the time all of the alternatives were examined and the technical difficulties were

solved, it became necessary to seek a variance from the Green Tire Rules to allow time to install the system.

HARDSHIP AND ENVIRONMENTAL IMPACT

In its petition for variance, General maintains that compliance with the Green Tire Rule during the requested period for variance would result in a arbitrary or unreasonable hardship on General. General maintains that despite diligent efforts it was unable to identify a technically feasible and economically reasonable plan for complying until December of 1989. General states that the only way that they could presently comply with the Green Tire Rules would be to shut down the spraying operations, which would mean they could not produce tires and as a result would shut down the plant until the new spray equipment is installed.

Contrasting with the issue of hardship is the issue of environmental impact. The materials emitted from the General plant have a solvent odor. However, because of the isolated location of the plant, no odor complaints have been recorded. The granting of the variance will have a short term adverse effect on the air quality of Jefferson County and the surrounding region. However, the area should still be an attainment area for ozone. Further, the granting of the variance will commit General to compliance with the Green Tire Rules after December 31, 1989. This compliance will significantly reduce the amount of VOM emitted from the facility.

AGENCY RECOMMENDATION

In its variance recommendation of September 21, 1988, the Agency acknowledges that General has attempted to come into compliance with the Green Tire Rules and has negotiated the details of the compliance plan with the Agency. The Agency recommends grant of the variance subject to the following conditions:

1. Petitioner shall not cause or allow the emission of volatile organic material to exceed 408 tons per year from its sidewall green tire lubricant spraying operation.
2. Petitioner shall submit progress reports to the Agency every three months.

CONCLUSION

The Board finds that General would suffer an arbitrary and unreasonable hardship if the requested variance is not granted.

Further, the environmental impact of granting the variance is considered to be minimal. Accordingly, the variance will be granted with conditions consistent with this Opinion.

This Opinion constitutes the Board's finding of fact and conclusion of law in this matter.

ORDER

1. Petitioner, General Tires, Inc., is hereby granted variance from 35 Ill. Adm. Code 215.466(c) until December 21, 1989 for its plant in Jefferson County, Illinois.

2. Petitioner, General Tires, Inc., is hereby granted variance from 35 Ill. Adm. Code 215.462 for its facility located in Jefferson County, Illinois, until December 31, 1989, subject to the following conditions:
 - A. Petitioner shall not cause or allow the emission of volatile organic material to exceed 408 tons per year from its sidewall green tire lubricant spraying operation.

 - B. During the term of this variance, Petitioner shall submit quarterly written reports to the Agency detailing all progress made in achieving compliance. The first quarterly report shall be due thirty (30) days from the date of this Order. The quarterly reports shall include quarterly VOM emission data from the Jefferson County plant's lubricant spraying operations. The reports shall be submitted to the Agency at the following addresses:

Air Pollution Control Division
Illinois Environmental Protection
Agency
2200 Churchill Road
Springfield, IL 62706

 - C. Within 45 days of the date of this Order,

Petitioner shall execute and forward to Thomas O' Donnell, Jr., Enforcement Attorney, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62708, a Certification of Acceptance and Agreement to be bound to all terms and conditions of this variance. The 45-day period shall be held in abeyance during any period that this matter is being appealed. Failure to execute and forward the Certificate within 45 days renders this variance void and of no force and effect as a shield against enforcement of rules from which variance was granted. The form of said Certificate shall be as follows:

CERTIFICATION

I (We), _____, hereby accept and agree to be bound by all terms and conditions of the Order of the Pollution Control Board in PCB 88-87, November 3, 1988.

Petitioner

Authorized Agent

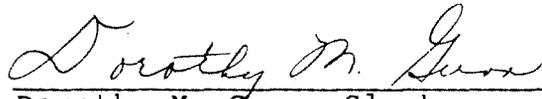
Title

Date

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1987 ch. 111¹/₂ 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 3rd day of November, 1988, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board