

ILLINOIS POLLUTION CONTROL BOARD
November 20, 1986

EKCO GLACO CORPORATION,)
)
 Petitioner,)
)
 v.) PCB 86-91
)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

MESSRS. JEFFREY C. FORT AND JAMES J. DeNAPOLI OF MARTIN, CRAIG,
CHESTER & SONNENSCHNEIN APPEARED ON BEHALF OF THE PETITIONER.

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

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

This matter comes before the Board on a June 23, 1986 petition requesting to extend and modify for one year the variance granted by the Illinois Pollution Control Board (Board) on June 27, 1985 (PCB 85-29). The Petitioner, Ekco Glaco Corp. (Ekco) seeks a variance from 35 Ill. Adm. Code 215.204(j)(1), Emissions Limitations for Manufacturing Plants concerning the Clear Coating of Miscellaneous Metal Parts and Products Coating and Section 215.205, Alternative Emission Limitations. On September 11, 1986 the Board granted the Illinois Environmental Protection Agency's (Agency) Motion for Leave to File Agency Recommendation Instanter. In the Agency Recommendation, the Agency recommended that the Board grant the variance to Ekco subject to certain conditions. A hearing was held on September 23, 1986 in Chicago, Illinois; no members of the public were present. At the hearing, the Petitioner and Respondent submitted Joint Exhibit #1 which was admitted by the hearing officer. This exhibit, entitled "Stipulation" (Stip.), sets forth facts that are agreed upon by both parties.

Ekco is in the business of manufacturing and reconditioning commercial bakery pans at a plant located at 1949 North Cicero Avenue in Chicago, Illinois. Ekco manufactures approximately 1,200,000 new pans annually, while it reconditions old pans at a rate of about 500,000 per year. Ekco's new pan production constitutes about 50 percent of the domestic commercial bakery pan market. The reconditioned pans are utilized by bakeries within a 200 mile radius of Chicago. The plant employs 300 people. (Stip. p. 1).

While at the plant, 75 percent of the new pans are coated, whereas all of the reconditioned pans are coated. The coating is

applied with differing procedures in the new pan department and the used pan department. However, each line utilizes the same type of coating material. The coating consists of 20 percent silicone resin and 80 percent solvent which in turn contains naptha, toluene, propylene, glycol methyle ether, and isobutyl isobutyrate. In the new pan line, a reconstituting solvent is added to the resin coating. This reconstituting solvent contains VMP naptha, toluene and glycol monoethers. (Stip. p. 2).

The solvent part of the coating and the reconstituting solvent are both considered volatile organic material (VOM) as defined under 35 Ill. Adm. Code 211.122. VOM emissions are generated by the spray coating operation in the new pan department and by the spray coating as well as the preheater/airing operations of the used pan department. In both departments, the VOM emissions are vented through a stack to the atmosphere. At present, Ekco has no control on VOM emissions. (Stip. p. 3) Data on emissions shows the following:

VOC EMISSIONS LBS/YEAR

<u>1983</u> 121,880	<u>1985</u> 152,034 (pro-rated based on 2 quarterly samples)	<u>1986</u> 123,848 (pro-rated based on 1 quarterly sample)
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(Stip. p. 4)

Ekco's compliance plan set forth in the original variance consisted of two phases that would be implemented over a one-year period. In the first 6-month phase, Ekco was to modify the process equipment and exhaust system to provide a network for the capture of VOM. The second phase concerned the actual installation of afterburners which would be used to incinerate the captured VOM. (Stip. p. 6) After Ekco was granted its year long variance on June 27, 1985, it ran into difficulties implementing its compliance plan. First Ekco's consultant had trouble obtaining construction bids for the phase I work. Next, after being instructed to concentrate on the elimination of spray leakage (a major aspect of phase I), Ekco's consultant studied the problem for 3 months. The consultant's conclusion, in December of 1985, was that the whole spray system had to be redesigned. Since such an alternative could not be implemented within the one year time period, Ekco retained a different consultant. (Stip p. 9).

The second consultant reported to Ekco, in March of 1986, that phase I could be accomplished by installing a centralized exhaust fan and an overspray mist in the new pan department. Ekco approved of the plan in April. However, problems in obtaining equipment delayed the installation of the necessary improvements until June of 1986. Ekco then petitioned for this variance extension. (Stip. p. 10).

The new compliance plan, proposed with this variance extension, differs somewhat from the original compliance plan. This new plan entails modifications only to the new pan line. Ekco has now decided to take the old pan line out of operation by June of 1987. The schedule of the new compliance plan provides that all modifications to the new pan line be completed by January 1, 1987. These modifications include the installation of exhaust equipment and an afterburner. (Stip. p. 10) Since the filing of this petition, Ekco has already completed phase I modifications as well as submitted to the Agency an application for a construction permit to install the afterburner. (Stip. p. 11).

Ekco is located in a non-attainment area for ozone. However, the closest ozone monitor to the Ekco plant did not record any exceedances of the ozone ambient air quality standards for the years 1985 and 1986. While Ekco asserts and the Agency does not dispute that "the plant's contribution to the overall Cook County VOM emissions is small," the Board notes that the record contains no information on such concerns as VOM transport. Both parties conclude that "(t)here will be no significant adverse air quality impact associated with the granting of the variance extension." (Stip. p. 12).

Ekco has contended that the variance will need to extend until June of 1987, when it can discontinue its used pan line. However, the Agency asserts that if the afterburner installed on the new pan line, has 75 percent overall VOM reduction efficiency, Ekco will be able to demonstrate plantwide compliance according to the internal offset rule, 35 Ill. Adm. Code 215.207. That is, once the control equipment is installed on the new pan line, Ekco will be in compliance regardless of the fact that the used pan line will operate without any VOM controls until it is discontinued in June of 1987. (Stip. p. 13).

Since the granting of the first variance, on June 27, 1985, Ekco has in good faith and with due diligence pursued a compliance plan. Unfortunately, unforeseen events, delaying the implementation of the first plan, intervened to require this petition for an extension. In 1985, the Board found that a year long variance would cause only a "minimal environmental detriment." Now, Ekco needs a variance for less than two months, because January 1, 1987, is the date when the plant will come into compliance due to the installation of an afterburner. Given the above factors, the Board finds that denial of this variance would constitute an arbitrary and unreasonable hardship for Ekco. Consequently, the Board will grant this variance until January 1, 1987 subject to the conditions set forth in the order. The granting of this variance will allow Ekco to continue its advancement toward compliance with VOM emission limitations.

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

Order

The Board hereby grants Ekco Glaco a variance from 35 Ill. Adm. Code 215.204(j)(1) and 215.205 from November 20, 1986 to January 1, 1987, subject to the following conditions:

- (1) Ekco Glaco shall use coating materials which have a VOM content less than or equal to those presently used.
- (2) Within thirty (30) days of the date of this Order, Ekco Glaco shall reapply for an operating permit for its coating lines (I.D. #031 600 FBT, No. 75060010), pursuant to 35 Ill. Adm. Code 201.157. Any subsequent application for renewal of this permit, to the extent that it encompasses operation of the uncontrolled used pan coating line, shall provide information to the Agency adequate to demonstrate that the operation of that line is in compliance pursuant to the internal offset rule, 35 Ill. Adm. Code 215.207.
- (3) Prior to the initiation of construction of any VOM control system, Ekco Glaco shall timely submit an application for a construction permit for that system in accordance with 35 Ill. Adm. Code 201.152. Construction shall not be begun until a construction permit is issued. Operation of the emission control system is not allowed until an operating permit is issued by the Agency, pursuant to Section 35 Ill. Adm. 201.143.
- (4) The Agency shall be notified in writing at the address provided below of any stack tests to be performed at the facility at least five working days before such stack tests take place. Agency personnel may witness any such test. Notices shall be sent to:
 1. Manager, Permit Section
Division of Air Pollution Control
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, IL 62706
 2. Manager, Field Operations Section
Division of Air Pollution Control
1701 South First Avenue
Suite 600
Maywood, Illinois 60153
- (5) Within forty-five (45) days after the date of the Board Order the Petitioner shall execute and send to:

Mr. Joseph R. Podlewski, Jr.
Enforcement Attorney
Illinois Environmental Protection Agency
1701 South First Avenue
Suite 600
Maywood, Illinois 60153

A certification of its acceptance of this variance extension 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

Ekco Glaco Corporation hereby accepts and agrees to be bound by all terms and conditions of the Order of the Pollution Control Board in PCB 86-91 dated _____, 1986.

EKCO GLACO CORPORATION

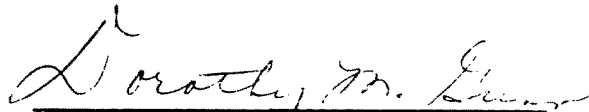
BY: _____
As Authorized Agent

Title

IT IS SO ORDERED.

B. Forcade Concurred. J.T. Meyer Dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 20 day of November, 1986, by a vote of 5-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board