

ILLINOIS POLLUTION CONTROL BOARD  
February 20, 1985

CHICAGO ROTOPRINT COMPANY, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 84-151  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

MESSRS. HOWARD L. GEBBERG AND HARVEY M. SHELDON (NISEN, ELLIOTT,  
& MEIER) APPEARED ON BEHALF OF PETITIONER;

MR. PETER ORLINSKY (ATTORNEY-AT-LAW) APPEARED ON BEHALF OF  
RESPONDENT.

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

This matter comes before the Board upon an October 3, 1984, petition for extension of variance from 35 Ill. Adm. Code 215.401 (formerly Rule 205(s) of Chapter 2: Air Pollution) filed on behalf of the Chicago Rotoprint Company for two presses located at its facility at 4601 West Belmont Avenue, Chicago, Illinois. Pursuant to Section 215.405, Rotoprint's presses were to be in compliance with Section 215.401 by December 31, 1983. However, on May 3, 1984, the Board granted Rotoprint variance from the applicable rules until September 30, 1984 (PCB 83-238). Rotoprint now requests that variance be extended from November 8, 1984, through December 20, 1984, "to complete additional work required under its contract with Montgomery Ward & Company, which contract was in part the basis for its initial petition. The demand for this work by the customer was received by Rotoprint's planning department after the prior variance was granted and thus ... could not have been included in Rotoprint's original petition" (Pet. p. 2).\* The Agency filed its Recommendation in this

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\*This variance is being considered subsequent to the expiration of the time period for which it is requested; yet, the information before the Board was, for the most part, generated prior to commencement of the requested variance period. This is somewhat awkward, but also appears to have been unavoidable. Further, at hearing Rotoprint requested that the variance be retroactive to September 30, 1984, and the Agency concurred. However, the record includes no evidence that variance is necessary prior to November 8, 1984.

matter on November 20, 1984, and hearing was held on December 4, 1984. No citizens were in attendance and no public comments have been received by the Board.

Rotoprint is a publication printer utilizing the publication rotogravure printing process to print magazines, mail order catalogues and brochures. Currently eight publication rotogravure presses are permitted. To comply with Sections 215.401 and 215.405, two solvent recovery systems were installed to control six of the presses at a total cost of over \$3 million (Rec. p. 2). These two control systems achieve 80% capture and control efficiency which is greater than the 75 percent efficiency required by Section 215.401.

The two presses, Nos. 7 and 16, which were the subject of the previous variance were not controlled by the installed solvent recovery systems. However, to meet two long-term contractual agreements with Montgomery Ward & Co. and Spiegel, Inc., Rotoprint operated them pursuant to that variance for approximately 77 days in 1984 (Rec. p. 2). Rotoprint has determined that to complete its contractual obligation with Montgomery Ward, it must operate press No. 16 for an estimated additional 44 days (from November 8 to December 20, 1984). For this reason, it filed the instant petition seeking an extension of the previous variance. Rotoprint has discontinued the use of Press No. 7 as of September 30, 1984, and should have decommissioned Press No. 16 on December 30, 1984. Consequently, as of the end of 1984 none of the presses at the plant should have been out of compliance.

Rotoprint is located in a mixed residential and commercial area on Chicago's northwest side in Cook County, which is a non-attainment area for ozone, a compound which is formed by hydrocarbon emissions such as those emitted from the Rotoprint plant. In 1982, the ambient air quality standards for ozone were not exceeded at the closest ozone monitor (located approximately five miles to the southwest). In 1983, the standard was exceeded once, and in 1984 there was one excursion (Rec. p. 5). The Agency alleges that the adverse environmental impact of operating Press No. 16 during the requested variance period is minimal.

During the variance extension, Rotoprint estimates that 98 tons VOC will be emitted. Since 75 percent of these VOC emissions are to be controlled under Section 215.401, Rotoprint will emit 73.5 tons VOC in excess of the allowable at maximum production. Rotoprint alleges, however, that an "internal offset" lowers total VOC emissions during the proposed variance period to 47 tons over allowable (Pet. pp. 3-4), due to overcontrol of the

remaining six presses.\* Further, Mr. Henry Rodriguez, Rotoprint's Corporate Environmental Coordinator, informed the Agency that actual production on Press No. 16 might be as much as 50 percent less than the original estimate, such that actual VOC emissions could be as little as 49 tons during the variance period, 36.75 tons VOC over the allowable disregarding any offset (Rec. p. 6). Including "offsets," then, the emissions may be as little as 10.25 tons over allowable. Finally, given the fact that the variance will extend only during November and December, the occurrence of an ozone violation is highly unlikely since that time period is well outside the ozone season.

The Board finds that compliance with 35 Ill. Adm. Code 215.401 during the requested variance period would constitute an unreasonable and arbitrary hardship. The work is being done under the terms of the same contract Rotoprint had with Montgomery Ward at the time of the original variance petition, but could not have been anticipated at that time (Pet. p. 7). This work cannot be transferred to a controlled press. Further, due to the short-term of the variance and Rotoprint's plan to decommission Press No. 16 after the Montgomery Ward work is completed, it is economically unreasonable to require petitioner to install a control and capture system on Press No. 16 which might cost in excess of one million dollars (Pet. p. 4).

The Board finds that granting variance in this situation is appropriate. Rotoprint is bound by a contractual agreement entered into before the final adoption of Sections 215.401 and 215.405 which requires the use of an uncontrolled press. Rotoprint has achieved compliance at the remaining presses, and in fact, over complied. It has satisfactorily demonstrated its need to operate this press and yet cannot economically bring it into compliance. The Board is satisfied that there is little or no potential public health impact. Therefore, the relief requested is granted subject to the conditions set out in the Order below. The conditions imposed are those recommended by the Agency except for those which would now require actions to have been taken in the past. It is not reasonable to order past actions when such actions have, presumably, been taken, but may not have been and, perhaps, could not now be accomplished.

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

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\*The Board notes that it is unaware of any "internal offset" provision applicable to Rotoprint's presses and that the figures given have been considered only in terms of the environmental impact and not in terms of any legal offset.

ORDER

Chicago Rotoprint Company is granted variance from Sections 215.401 and 215.405 of 35 Ill. Adm. Code: Part 215, subject to the following conditions:

1. Press No. 16 shall be operated only to enable Rotoprint to perform its contractual agreement with Montgomery Ward & Company.
2. Variance for Press No. 16 shall extend from November 8 through December 21, 1984.
3. Within 45 days of the date of this Order, Rotoprint shall execute a Certification of Acceptance and Agreement to be bound to all terms and conditions of the variance. Said Certification shall be submitted to Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706. The 45 day period shall be held in abeyance during any period that this matter is being appealed. The form of said Certification shall be as follows:

CERTIFICATION

I, (We) \_\_\_\_\_, having read the Order of the Illinois Pollution Control Board in PCB 84-151, dated February 20, 1985, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Authorized Agent

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

IT IS SO ORDERED.

Board Member J. Theodore Meyer concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 20<sup>th</sup> day of February, 1985, by a vote of 5-0.

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