

ILLINOIS POLLUTION CONTROL BOARD
January 13, 1983

CHRYSLER CORPORATION,)
)
) Petitioner,)
)
) v.) PCB 82-108
)
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

MR. MICHAEL W. GRICE, SENIOR STAFF COUNSEL, APPEARED ON BEHALF
OF PETITIONER;

MR. PETER E. ORLINSKY, TECHNICAL ADVISOR, APPEARED ON BEHALF
OF RESPONDENT.

OPINION AND ORDER OF THE BOARD (by I.G. Goodman):

This matter is before the Board upon the September 1, 1982 petition by Chrysler Corporation (Chrysler) requesting variance from Rule 205(n)(1)(A)(ii) of Chapter 2: Air Pollution for a prime coat and prime surface coat operation at its production facility located near Belvidere, Illinois. On November 12, 1982 the Board granted Chrysler's senior staff counsel leave to appear on behalf of Chrysler in this matter. Hearing was held on December 3, 1982 at which a local horse breeder testified in opposition to grant of the variance. The only public comment received by the Board in this matter was from the horse breeder's spouse.

Chrysler owns and operates a passenger car manufacturing facility which emits, among other things, volatile organic compounds (VOC) from prime coat and prime surface coating operations, which are subject to limitations of Rule 205(n)(1)(A) of Chapter 2. Compliance was due by December 31, 1982 pursuant to compliance plan submitted by Chrysler to the Illinois Environmental Protection Agency (Agency) in 1979. However, in order to reduce corrosion of its products, Chrysler instituted the use of a new type of galvanized steel which is not compatible with currently available coating systems. Chrysler alleges that it has conducted successful experimentation with a new type of coating system but that the system has never been utilized on a mass production basis. Chrysler plans to install and evaluate the new coating system at its facility in Windsor, Ontario, Canada. Assuming that the new system is successful at Windsor, Chrysler proposes to install it

at the Belvidere plant. The new compliance plan calls for installation of the new system at the Windsor facility by December 31, 1983, evaluation by December 31, 1984, finalization of a compliance plan for Belvidere by December 31, 1985, and compliance with Rule 205 at Belvidere no later than December 31, 1987. During the pendency of its control evaluation program, Chrysler proposes to continue to research other methods of reducing VOC emissions and examine new technologies as they become available.

In its Recommendation, the Agency acknowledges the rapidly developing state of the art in the technology of controlling VOC emissions from automobile surface coating operations. For that reason the Agency agrees that Chrysler's control program will bring it into compliance and that the five-year time period is warranted, although the Agency states that it prefers more definite and less protracted control programs than the one proposed by Chrysler.

The Agency notes that the Chrysler plant is surrounded by vacant property and farmland and that the closest residence is approximately one and one-half miles away. The Agency received a complaint from a local horse breeder concerning high ambient levels of lead which have apparently adversely affected the health of breeding horses but states that, while it has no reason to doubt that the horses are suffering lead poisoning, the Agency is unaware of any lead emissions from Chrysler's facility.

The VOC emissions in question contribute to the formation of ozone. Rule 205(n)(1)(A)(ii) limits volatile organic materials in prime coating materials to 0.14 kg/l (1.2 lbs/gal), and in prime surface coating materials to 0.34 kg/l (2.8 lbs/gal). Chrysler seeks limits of 2.2 lbs/gal and 3.67 lbs/gal respectively for the period of variance. The Agency estimates that if the requested variance is granted Chrysler's lines will emit 379 tons in excess of that allowed by Rule 205(n)(1)(A)(ii). It is the Agency's opinion, however, that the extension of the compliance deadline sought by Chrysler should not cause any increased health effects as Chrysler would be expected to comply with an episode action plan which requires reduction of emissions during periods of high ozone concentrations. In addition, Chrysler's facility is located in an area classified as attainment for ozone. The Agency believes denial of the requested variance would constitute an arbitrary and unreasonable hardship on Chrysler based upon the fact that Chrysler has been diligently seeking a means to reduce its VOC emissions and that the episode action plan would provide sufficient safeguard during periods of high ozone concentration. If the proposed variance is granted, it is the Agency's intention to submit the variance as a revision to the State Implementation Plan. The Agency therefore recommends that the Board grant the variance with certain conditions.

A local horse breeder opposes the grant of variance based upon problems with the health of its breeding stock. There have apparently been two deaths and numerous problems with foals,

most of which appear to be associated with high levels of lead in the tissues of the animals. There was testimony at hearing indicating that no volatile lead compounds were involved with Chrysler's coating operations and the Agency has indicated it has no knowledge of such lead emissions. It was the contention of the horse breeder that he had investigated his farm and that the only other possible source of lead that he could determine would be the Chrysler facility.

Although the Board cannot, within the confines of this narrow record, determine that the source of the lead problem experienced by the horse breeder is not the Chrysler facility, it appears that this particular area of emissions is not that source. Considering the lack of environmental harm and the fact that the control technology of VOC emissions is in a state of flux, the Board will grant the variance requested contingent upon the safeguards contained in the conditions proposed by the Agency.

This Opinion constitutes the finding of facts and conclusions of law of the Board in this matter.

ORDER

Chrysler corporation is hereby granted variance from Rule 205(n)(1)(A)(ii) of Chapter 2: Air Pollution for its prime coat and prime surface coat operations at its facility located in Belvidere, Illinois until December 31, 1987 subject to the following conditions:

- a) Within 30 days of this Order, and every three months thereafter, Chrysler shall submit written reports to the Illinois Environmental Protection Agency detailing compliance progress made in achieving compliance with Rule 205(n)(1)(A)(ii) of Chapter 2: Air Pollution, the reports to include information on the quantity and VOC content of all coatings utilized, description of the coating installation at the Windsor, Ontario, Canada facility, any changes in the proposed compliance program and any other pertinent information which may be requested by the Illinois Environmental Protection Agency.
- b) Chrysler shall execute its proposed compliance program as set forth on page 16 of its Petition filed September 1, 1982, which petition is hereby incorporated by reference as if fully set forth herein.
- c) Within forty-five days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period this matter is being appealed. The form of the certificate shall be as follows:

CERTIFICATE

I, (We), _____, having read the Order of the Illinois Pollution Control Board in PCB 82-108, dated _____, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner

By: Authorized Agent

Title

Date

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 13th day of January, 1983 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board