

ILLINOIS POLLUTION CONTROL BOARD  
January 24, 1985

HANSEN-STERLING DRUM CO., )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 83-240  
 )  
 ) ILLINOIS ENVIRONMENTAL )  
 ) PROTECTION AGENCY, )  
 )  
 ) Respondent. )

MR. RICHARD HANSEN AND MS. GAIL HANSEN, NON-ATTORNEYS, APPEARED ON BEHALF OF PETITIONERS: AND

PETER E. ORLINSKY, ESQ., APPEARED ON BEHALF OF RESPONDENT.

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

This matter comes before the Board upon the filing of a variance petition on December 30, 1983 by Hansen-Sterling Drum Company (petitioner). Petitioner requests variance relief from 35 Ill. Adm. Code 215.204(j) until December 31, 1985. In response to Board Orders dated January 12 and March 8, 1984, petitioner filed an amended petition on February 23, 1984 and supplemental information on April 18, 1984, respectively. Petitioner waived the decision date by letter filed with the Board on May 22, 1984. The Illinois Environmental Protection Agency (Agency) filed its recommendation to grant on June 7, 1984. Hearing was held in Chicago, Illinois on July 17, 1984. The hearing transcript was filed with the Board on October 21, 1984. There was no citizen testimony at the hearing and the Board has received no public comment in this matter.

Petitioner operates a steel drum reconditioning facility located at 610 West 81st Street in Chicago, Illinois. Approximately forty-five people are employed at this facility, which is located in an industrial area. The reconditioning of both open head and closed head drums involves cleaning and repainting them. Repainting the drums involves use of solvent based interior and exterior extreme performance coatings. Volatile organic compounds (VOC) are discharged at these painting booths.

Section 215.204(j) provides that by December 31, 1983, the VOC content of petitioner's coatings be limited to the following:

exterior (extreme performance) coating: 3.5 lb/gal.  
interior (clear) coating: 4.3 lb/gal.

The Agency asserted that the VOC content of petitioner's present coatings are 4.46 lbs./gal for its exterior coatings and 4.64 lbs./gal for its interior coatings.

Although petitioner has not supplied the Agency with VOC reduction calculations for the variance period, the Agency, based upon discussions with coating manufacturers and other members of the National Barrel and Drum Association, believes that petitioner should be able to reduce its excess VOC emissions 30% by December 31, 1984, an additional 30% by June 30, 1985, and a final 40% by December 31, 1985. (Ag. Rec. at 4).\*

Petitioner has proposed to eventually comply with the regulations by reformulating its coatings to low solvent/high solids and/or water base coatings. Petitioner has studied other options such as electrostatic spray, afterburner installation and carbon absorption but rejected them because of space limitations or, in the case of afterburners, expense, although the Board notes that no cost information was provided. Petitioner asserts that immediate compliance with the regulations would impose an arbitrary or unreasonable hardship.

VOC's are hydrocarbon precursors of ozone. Ozone can have adverse health effects on the elderly and on persons with respiratory and cardiac problems (Ag. Rec. at 6). The Chicago area is designated as a nonattainment area for hydrocarbons. The closest ambient air monitoring station at the Museum of Science and Industry recorded two exceedences of the 0.12 ppm ozone air quality standard in 1983 and none in 1982 (Id.). Petitioner will have to comply with the episode regulations at 35 Ill. Adm. Code 244 during high ozone concentration periods. The Board finds that the adverse environmental impact will be minimal if the variance is granted.

Given these facts, the Board finds that not granting a variance at this time would impose an arbitrary or unreasonable hardship upon petitioner.

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\*The Board questions both the accuracy and application of the Agency's "emission limitation" calculations in paragraphs #5 and #6, p. 3 of the Agency Recommendations. For example, the calculated VOC emissions for 1983 in #5 appear to exceed the VOC available from the coatings, considering the number of gallons used, even assuming that 100% of the VOC content in the coatings is emitted. Additionally, since the standards in Rule 215.204 (j) limit the VOC content of the coatings, any compliance calculations should address, or directly reflect, the coatings' VOC content. The Agency's use of emissions data to calculate the percent reduction necessary to comply with the rule is not a desirable approach and, in this case, is inaccurate.

The Board grants petitioner a variance from the terms of 35 Ill. Adm. Code 215.204 (j) subject to the conditions below. Full variance retroactivity will not be granted because of the late filing of the petition, many delays in receiving adequate information, and the absence of unique circumstances mandating full retroactivity. However, other delays were beyond control of petitioner. Therefore, the Board will begin the variance period on August 17, 1984. The petitioner should address whether compliance can be met by use of the internal offset provisions of 35 Ill. Adm. Code 215.207.

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

#### ORDER

Hansen-Sterling Drum Company is hereby granted a variance from 35 Ill. Adm. Code 215.204 (j) subject to the following conditions:

1. This variance shall begin on August 17, 1984 and expire on December 31, 1985.
2. Within 28 days of the Board's Final Order herein, and every third month thereafter, Petitioner shall submit written reports to the Agency detailing all progress made in achieving compliance with Section 215.204(j). Said reports shall include information on the names of replacement coating and the manufacturers specifications including per cent solids by volume and weight, per cent VOC by volume and weight, per cent water by volume and weight, density of coating, and recommended operating parameters; detailed description of each test conducted including test protocol, number of runs, and complete original test results; the quantities and VOC content of all coatings utilized during the reporting period; and any other information which may be requested by the Agency. The reports shall be sent to the following addresses:

Environmental Protection Agency  
Division of Air Pollution Control  
Control Programs Coordinator  
2200 Churchill Road  
Springfield, Illinois 62706

Environmental Protection Agency  
Division of Air Pollution Control  
Region 1, Field Operations Section  
1701 South First Avenue  
Suite 600  
Maywood, Illinois 60153

3. Within 28 days of the Board's Final Order herein, Petitioner shall apply to the Agency for all requisite operating permits pursuant to Section 201.160 (a).

4. On or before October 1, 1985, Petitioner shall apply to the Agency for renewal of all requisite operating permits. Said permit applications shall address compliance pursuant to Section 215.204 (j) or the internal offset provisions contained in Section 215.207.

5. Within 45 days of the Board's Final Order herein, Petitioner 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 the Agency at the addresses specified in paragraph 2 above. The 45 day period shall be held in abeyance during any period that this matter is being appealed. The form of Certification shall be as follows:

CERTIFICATION

\_\_\_\_\_, hereby accepts and agrees to be bound by all terms and conditions of the Order of the Pollution Control Board in PCB # \_\_\_\_\_, dated \_\_\_\_\_.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
By: Authorized Agent

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

IT IS SO ORDERED.

Board Member Bill S. Forcade dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 24th day of January, 1985 by a vote of 4-1.

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