

ILLINOIS POLLUTION CONTROL BOARD
October 30, 1975

ELTRA CORPORATION,)
WOODSTOCK DIE CASTING DIVISION,)
Petitioner,)
)
v.) PCB 75-208
)
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

Mr. Jack A Green appeared on behalf of Petitioner.
Ms. Kathryn Sheehan Nesburg, Environment Protection Agency
Counsel, appeared on behalf of Respondent.

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

This matter comes before the Pollution Control Board (Board) upon the petition of the Woodstock Diecasting Division of Eltra Corporation (Woodstock) for variance from Rule 205(f) of the Air Pollution Regulations.

On May 22, 1975, the Board ordered Petitioner to amend its petition to include the criterion required by the United States Supreme Court Opinion of Train v. NRDC, 43 USLW 4467. An amended petition was filed with the Board on July 7, 1975. On September 15, 1975, the Environmental Protection Agency (Agency) filed its recommendation that the relief sought by Woodstock be granted. A hearing was held September 25, 1975.

Petitioner operates a manufacturing facility in Woodstock, McHenry County, Illinois. The facility produces zinc and aluminum die castings for large automotive manufacturers. In its processes, Woodstock produces 38,000,000 pounds of zinc castings and 4,000,000 pounds of aluminum castings primarily in the form of car grills and moldings. Petitioner seeks variance for its spray painting and coating operations. Approximately 31,076 gallons of paint and 97,465 gallons of solvent are used annually.

Woodstock plans to comply with Rule 205(f) by converting to exempt solvents. Indeed, Petitioner will have converted to exempt solvents by October 31, 1975.

Petitioner states that it is not unusual for its customers to specify the type of paint, the paint source and

operating conditions under which the paint is applied. Convincing its customers of the need to develop alternative paints and solvents was a slow and arduous task. This, coupled with the general scarcity of exempt solvents in the past, caused Petitioner to fail to comply with Rule 205(f) which was effective December 31, 1973 (R15, 19, 23). Petitioner has also had difficulty developing an exempt gray primer with proper adhesive properties (R22-3).

Petitioner states that denial of this variance would cause unreasonable and arbitrary hardship in that it would be forced to shut down, losing \$10,000,000 in sales and laying off of 300 people. However, as the Agency aptly points out, the denial of a variance is not, in and of itself, a shutdown order. Mobil Oil v. EPA, PCB 73-562, ABC Great Lake, Inc., v. EPA, PCB 72-39, Forty-Eight Insulations, Inc. v. EPA, PCB 73-478.

Attached to the Agency Recommendation is the data from a temporary monitoring site in McHenry County. The Agency monitored ambient ozone concentrations from August 1 through 4, 1975. This data shows that the one hour ambient air quality standard of 0.08 ppm ozone was exceeded twice in those three days. Rule 312 of the Air Pollution Regulations requires that said standard not be exceeded more than once per year.

The Board finds that Woodstock has shown the necessary hardship, and has an adequate compliance plan to merit the granting of a variance. However, pursuant to the Train decision, supra, the Board must deny the relief sought as far as it concerns a variance beyond July 31, 1975, the attainment date for the primary ambient air quality standard for photochemical oxidants. The information before the Board shows that this standard is being violated in McHenry County and Petitioner has failed to show that it is not contributing to this failure. Therefore, the Board will grant Petitioner variance from Rule 205(f) of the Air Regulations until July 31, 1975.

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

Mr. Dumelle concurs.

ORDER

It is the Order of the Board that Woodstock Diecasting Division of Eltra Corporation be granted variance from

Rule 205(f) until July 31, 1975, for its Woodstock, Illinois, spray painting facility.

IT IS SO ORDERED.

Mr. Young abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 30th day of October, 1975 by a vote of 3-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board