

ILLINOIS POLLUTION CONTROL BOARD
September 13, 1989

AMERICAN NATIONAL CAN)
COMPANY (Hoopeston Plant),)
)
Petitioner,)
)
v.) PCB 89-83
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by B. Forcade):

On May 12, 1989, American National Can Company, Hoopeston Plant ("ANC") filed a petition for variance from 35 Ill. Adm. Code 215.204(b)(6) as it relates to a new 307 diameter gang end press from June 1, 1989 until November 1, 1989. On July 10, 1989, the Illinois Environmental Protection Agency ("Agency") filed a recommendation that variance, "be granted on terms consistent with the forthcoming decision of the Board in American National Can v. IEPA, PCB 89-68." (Rec., p. 1.) A hearing was held on July 19, 1989. No testimony was offered at the hearing. No briefs were filed.

ANC operates a facility located in Hoopeston, Vermilion County, Illinois which manufactures metallic can bodies and can ends used primarily in the food industry. The facility employs 155 people. During the manufacturing process, end-sealing compounds are applied to can ends. End-sealing compounds contain volatile organic material (VOM), the emissions of which are regulated by 35 Ill. Adm. Code 215.204(b)(6). The new 307 diameter gang end press will produce can ends to which the end-sealing compound is applied.

The application of end-sealing compounds has been the subject of a variance from the requirements of 35 Ill. Adm. Code 215 since February 5, 1981, when the Board granted an initial variance to ANC's predecessor, American Can Company, from former Rules 104(c), 205(m)(1)(B) and 205(n)(1) of Chapter 2, codified as 35 Ill. Adm. Code 201.243, 215, Appendix C, and 215.204(b), respectively, until October 1, 1984. PCB 80-213. As set out in the Board's February 5, 1981 Opinion and Order in PCB 80-213, American Can intended to achieve compliance through reformulation to low-solvent coatings, application of the offset provisions of former Rules 204 and 205 and transfer to other states some processes which were not amenable to reformulation. PCB 80-213, p. 2. On January 24, 1985, the Board granted the Hoopeston Plant

a variance from 35 Ill. Adm. Code 215. Appendix C, 215.202 and 215.204(b)(5) and (6), subject to conditions, until December 31, 1987. (PCB 84-106.) The Hoopeston facility was unable to completely comply with the applicable emission limitation for end-sealing compounds by the expiration of the variance on December 31, 1987. Accordingly, ANC filed for an extension of variance on May 19, 1987, with the First Amended Petition being filed on July 27, 1987, and a Second Amended Petition being filed on November 6, 1987. (PCB 87-67.) On February 25, 1988, the Board granted ANC's variance from 35 Ill. Adm. Code 215.204(b)(6) from January 1, 1988, to December 31, 1988, subject to conditions. ANC's compliance plan in support of its variance request was two-fold. ANC would achieve compliance with Section 215.204(b)(6) either by the utilization of compliant end-sealing compounds, or in the event that compliant end-sealing compounds could not be utilized, by the installation of VOM control equipment.

On December 14, 1988, ANC submitted an Alternative Control Strategy (ACS) permit application to the Agency in accordance with 35 Ill. Adm. Code 202 for its end-sealing operation at the Hoopeston facility. Revisions to this application were submitted on February 10, 1989, and March 20, 1989. On April 5, 1989, the Agency denied ANC's ACS permit application on the basis that environmental equivalence was not established pursuant to 35 Ill. Adm. Code 202.306. This decision was appealed to the Board on April 18, 1989. (PCB 89-68.)

The 307 diameter gang end press, which is the subject of this variance petition, replaces the 211 diameter gang end press which was included in ANC's variance petition in PCB 88-203. (Pet., par. 8.) According to ANC's permit application, the estimated annual VOM emissions from the 307 diameter press are 48.3 tons, as compared to 40.1 tons per year from the 211 diameter press. The Agency has calculated the allowable emissions from the 307 diameter press to be 28.4 tons per year. The emissions at issue are volatile organic compounds, which contribute to the formation of ozone. High levels of ozone can have adverse health effects on the elderly, on school children and persons with respiratory and cardiac problems. However, the Agency believes that the variance sought by ANC for its 307 diameter gang end press will not adversely affect air quality, particularly since the emissions from ANC's single-and-double die presses are already controlled. ANC's plant is located in Hoopeston, Vermilion County, which is an attainment area for ozone, a criteria pollutant for which there are identical state and federal air quality standards (0.12 ppm [235 ug/ml]). (Rec., pp. 6-7.)

In its petition for variance ANC states that denial of its variance recommendation would constitute an arbitrary and unreasonable hardship in that it will be in compliance with

Section 215.204(b)(6) at the end of the variance period (November 1, 1989) and business conditions are such that the 307 diameter gang end press must be installed and operated as soon as possible. Pet., par. 9. The Agency believes that it would be an unreasonable and arbitrary hardship to deny ANC a variance consistent with the Board's opinion in PCB 89-68.

Based on the facts presented, the Board concludes that it would constitute an arbitrary and unreasonable hardship to require immediate compliance with 35 Ill. Adm. Code 215.204(b)(6) by ANC's 307 diameter gang end press. The Board will therefore grant the requested variance. Since the Agency has not requested any reporting requirements or interim emission limitations, the Board will not impose any.

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

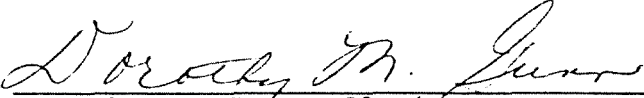
ORDER

The Board hereby grants American National Can, Hoopston Plant, a variance from 35 Ill. Adm. Cod 215.204(b)(6) for its 307 diameter gang end press. This variance shall commence on June 1, 1989 and expire on November 1, 1989.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1985, ch. 111-1/2, par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 13th day of September, 1989, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board