

ILLINOIS POLLUTION CONTROL BOARD
April 18, 1974

OLIN CORPORATION)
PETITIONER)
)
)
v.) PCB 74-27
)
)
ENVIRONMENTAL PROTECTION AGENCY)
RESPONDENT)
)

THOMAS B. MARTIN, ATTORNEY, in behalf of OLIN CORPORATION
RONALD A. LINICK, ATTORNEY, in behalf of the ENVIRONMENTAL PROTECTION
AGENCY

OPINION AND ORDER OF THE BOARD (by Mr. Marder)

This case comes to the Board on Petition of Olin Corporation, filed January 21, 1974, requesting variance from Rule 205 (f) of Chapter 2 of the Board's Rules and Regulations.

On March 21, 1974, the Board denied an Agency motion to dismiss the Petition.

On April 10, 1974, the Agency filed a recommendation, recommending the Board grant Petitioner a variance for six months, subject to certain conditions.

No hearing was held.

This variance is requested for Petitioner's Roll-Bond aluminum heat exchange panel operation in East Alton, Illinois. The Agency has granted a permit for this operation to the Petitioner. The permit has as its compliance plan the shifting of all paint formulas to "exempt" solvents by December 31, 1973.

Olin worked out a new paint formula with its supplier, the P.D. George Co., St. Louis, Missouri. A formula was found which proved to be acceptable on October 2, 1973. P.D. George then notified Olin that it could not obtain one of the solvents for the formula (Ethylene Glycol n-Butyl Ether), because of a great shortage of supply. Olin then attempted to obtain the solvent but failed. Olin alleges that the solvent is on strict allocation and no new customers are being allowed (Pet. P. 2).

On October 30, 1973, Olin submitted a new plan to the Agency, extending the time needed for compliance.

On November 1, 1973, a new paint formula was proven acceptable by an on-line test. On November 2, 1973, P.D. George notified Olin that it could obtain the solvents necessary to produce the paint. On November 28 Olin submitted a new compliance schedule showing compliance with Rule 205 (f) by December 31, 1973.

On December 12, 1973, Olin was notified by P.D. George that they again couldn't supply the paint, this time because isobutyl acetate could not be obtained for the resin. Again Olin tried to obtain this material, but failed because it is also on strict allocation. However, several suppliers indicated that this situation might change later in 1974 (Pet. P. 3).

Petitioner's operation uses about 7000 gallons of paint, and 2000 gallons of thinner, per annum (Pet. P. 3, Agency Rec. P. 1). This use is broken down further to 3.5 gallons per hour between 8 a.m. and 4 p.m. and 1.75 gallons per hour between 4 p.m. and 12 midnight, five days per week.

The emission rate is 17.7 lbs. per hr. during the day and 8.85 lbs. per hr. on the night shift (Pet. P. 3, Agency Rec. P. 2). This is above the allowed 8 lbs. per hr. in Rule 205 (f).

The composition of the solvent as presently sprayed is as follows:

Xylol	42.4% (wt)	44.4% (vol.)
Toluol	31.7% (wt)	32.4% (vol.)
Ethylene Glycol		
Mono Ethyl Ether		
Acetate	21.1% (wt)	18.4% (vol.)
Methyl Isobutyl		
Ketone	4.8% (wt)	4.8% (vol.)

(Pet. P. 3, Agency Rec. P. 2)

Petitioner alleges and the Agency concurs there is no substantial environmental impact by the continued emissions. There is no Los Angeles-type photochemical smog in the area, and neither Petitioner nor the Agency has received any complaints or objections to the continuation of the emissions. Also, the Agency investigation noted no odor problem from this operation (Pet. P. 5, Agency Rec. P. 3).

Petitioner alleges it would be forced to curtail its Roll-Bond operation if it is denied a variance. In its Petition, Olin states that loss to itself, customers, and employees would be too difficult for precise computation, but it would be great. Though a variance denial is not a shutdown order, it would seem that Olin would suffer a hardship if the variance was denied. The Agency also states that Petitioner has made a reasonable effort to comply with Rule 205 (f), but has not been able to because of situations beyond its control (Agency Rec. P. 2). The Agency states that although Olin has been before the Board

numerous times on variance cases, there has not been an enforcement action filed against it to date.

Olin proposes a three-pronged approach to bring itself into compliance with Rule 205 (f). The first is to develop water-based paints. The second is to develop another solvent paint that would use other exempt solvents. The third is for Olin to continue to look for available isobutyl acetate. Olin will be pursuing all of these approaches concurrently.

If a water-based paint or a new solvent-based paint is used, Olin will have to secure mandatory certification of the paint by the National Sanitary Foundation, a process that takes about six months (Pet. P. 4).

The Board finds this to be a reasonable compliance plan.

The Agency has recommended variance for only six months, but because of the possible six-months delay Olin will have in getting new paint certified, the Board will grant a variance for one year.

This Opinion constitutes the findings of fact and conclusions of law of the Board.

ORDER

IT IS THE ORDER of the Pollution Control Board that Olin Corporation be granted a variance from Rule 205 (f) until April 1, 1975, or until it can obtain paints which comply with Rule 205 (f), whichever is shorter, for its Roll-Bond operation, subject to the following conditions:

- a) Olin shall follow the compliance plan outlined in its Petition and this Opinion;
- b) Olin shall use paints with exempt solvents whenever they are available;
- c) Olin shall submit quarterly reports to the Agency beginning July 1, 1974, detailing all research done and its status as to compliance with Rule 205 (f).

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 18th day of July, 1974, by a vote of 5 to 0.

Christan L. Moffett
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