

ILLINOIS POLLUTION CONTROL BOARD
August 8, 1974

RHEEM MANUFACTURING COMPANY, a corporation,)	
)	
Petitioner,)	
)	
vs.)	PCB 74-190
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

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

On May 23, 1974, Rheem Manufacturing Company filed its Petition For Variance, seeking therein variance from the provisions of Rule 205(f), Chapter 2, Part II of the Illinois Pollution Control Board Regulations for a period of one year.

Petitioner owns and operates at 7600 South Kedzie Avenue in Chicago, Illinois a manufacturing facility employing 1,200 people, for the production of household appliance bodies, pails and other products fashioned from sheet metal and coated with various types of enamel-based paints and ceramic compounds as protective finishes during the manufacturing process.

Of the 2,128,407 pounds of organic material used annually by Petitioner in its manufacturing process, 38.5% (or 818,528 pounds) is photochemically reactive within the meaning of the definition of that term in Rule 201 of the Air Pollution Control Regulations. Photochemically reactive materials used consist of toluene, various xylenes and SG-100 solvents.

The Agency estimates that assuming Petitioner's facility operates twenty-four hours a day, five days a week, for fifty-two weeks per year, the standard under Rule 205(f) for allowed emissions would be 49,920 pounds per year. As a result, Petitioner is unable to demonstrate present compliance with Rule 205(f), and has therefore been unable to obtain operating permits from the Agency. Petitioner's operating permit applications Nos. 2-12-0945, 3-10-0128 and 2-0867 were denied by the Agency on February 14, 1974.

In order to comply with the requirements of Rule 205(f) Petitioner on August 13, 1973 completed all work necessary to reformulate its solvents by replacing photochemically reactive organic materials with non-photochemically reactive organic materials.

Petitioner proposes to reformulate its solvent, called "Rheem A-205 solvent," so that it contains 81% ethyl alcohol, 11% toluol, and 8% xylol. Petitioner has been unable to implement this otherwise satisfactory plan due to shortages of exempt solvents.

Petitioner states that as soon as petrochemical stocks are replenished and Petitioner is thereby able to purchase sufficient amounts of non-photochemically reactive material to completely implement its solvent reformulation program, Petitioner will be able to comply with Rule 205(f) within thirty to sixty days. At the present time, Petitioner has been able to acquire sufficient non-photochemically reactive solvents to implement approximately 62% of its reformulation program.

Petitioner states that by the reason of the current wide-spread shortage of petrochemicals, it has been unable, despite its diligent efforts, to continue to acquire sufficient amounts of non-photochemically reactive solvents to completely implement its reformulation program. Petitioner has documented its inability to procure exempt solvents by statements from its suppliers to the effect that Petitioner's requirements cannot be currently met.

Petitioner alleges that it is exploring alternative technologies, such as using water-based coatings and high-solids paints, to achieve compliance under Rule 205(f)(2)(D). It claims that such paints are unsatisfactory for its use and that its experiment action is unlikely to be successful before sufficient quantities of non-photochemically reactive solvents are again available. During the interim period Petitioner will continue to buy and use as much non-photochemically reactive organic material as it is able to acquire. Petitioner claims that no odor nuisance is attributable to its use of organic materials. However, nearby residents told an Agency investigator they smelled odors at least once a week, but had no objection to the grant of the requested variance, nor would they sign a complaint. There have been no other citizen complaints.

The Agency recommends that this Petition be denied, or, in the alternative, that the variance be granted for a period of six months. The Agency notes that Petitioner has no control program likely to succeed in complying with Rule 205(f) other than hoping sufficient supplies of non-photochemically reactive solvents will soon become available. Petitioner is not unique in this posture and we are satisfied that its problem is not self-imposed.

We suspect that the Agency's reservations are prompted by the relatively high rate of emissions from Petitioner's facility. Certainly, this is the factor we find most disturbing. Therefore, the relief requested will be limited to six months. We would hope that by the end of that period shortages will have eased.

In any event, our policy in the area of Rule 205(f) variances must be re-evaluated in the near future. Large-scale emissions of organics cannot be tolerated for prolonged periods.

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

IT IS THE ORDER of the Pollution Control Board that Rheem Manufacturing Company be granted a variance from the provisions of Rule 205(f) of the Air Pollution Control Regulations for a period of six months from the date of this Order, subject to the following conditions;

1. Petitioner shall utilize as much exempt solvent formulations as can be furnished by its suppliers.

2. Petitioner shall submit monthly reports to:

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

The monthly reports shall include the total amount of solvents used, the nature and amount of non-exempt solvents used, the nature and amount of exempt solvents used, the amount and nature of exempt solvents purchased (indicating the supplier), the amount and nature of non-exempt solvents purchased (indicating the supplier), and the amount and nature of solvents in inventory at the beginning of each month.

3. Within ninety (90) days of the date of this Order, Petitioner shall submit to the Agency a modified compliance plan to replace that which has been nullified by shortages. This plan may:

1. Achieve compliance at the expiration of the variance by replacement of photochemically reactive solvents with non-reactive solvents demonstrated to be readily available; or

2. Achieve compliance at the expiration of the variance by qualification under the Alternative Standard of Rule 205(f)(1); or

3. Achieve compliance by May 30, 1975 under the provisions of Rule 205(f)(2)(D).

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on this 8th day of August, 1974 by a vote of 4-0.

Christan L. Moffett