

ILLINOIS POLLUTION CONTROL BOARD

April 25, 1974

WESTINGHOUSE ELECTRIC CORPORATION)
) Petitioner,)
))
) v.) PCB 74-72)
))
ENVIRONMENTAL PROTECTION AGENCY)

OPINION AND ORDER OF THE BOARD (by Dr. Odell)

On February 22, 1974, Petitioner filed with this Board a Petition for Variance to operate its #3 paint dip tank and #6 paint bake oven in excess of the applicable standards of Rule 205(f) of the Illinois Air Pollution Regulations (Chapter Two). Petitioner's facility, located at 3900 West 41st Street, Chicago, Illinois, fabricates and assembles motor control centers. Before distribution, the goods are painted and bake-dried at the plant. The Variance -- to permit emission of photochemically reactive hydrocarbons in excess of the 8 lbs per hour limitation of Rule 205(f) of Chapter Two -- was requested through September 30, 1974. Petitioner estimates that #3 paint dip tank and #6 bake oven each emit 11.725 lbs per hour of photochemically reactive organic solvent vapors. Both emission sources operate 8.5 hours per day, 6 days per week for 51 weeks per year. On March 5, 1974, the Board received an Amendment to the Variance Petition, which indicated further difficulties in obtaining exempt solvents and requested a variance for a longer period.

On November 29, 1973, Petitioner had submitted to the Environmental Protection Agency (EPA) a Compliance Program which would achieve a December 31, 1973, conformance to Rule 205(f) by switching to exempt solvents. On the basis of this Compliance Program, EPA issued a permit to Westinghouse on January 7, 1974. Now alleging industry-wide shortages of exempt solvents, Westinghouse argues that compliance with Rule 205(f) would currently impose upon it an arbitrary and unreasonable hardship.

On March 27, 1974, the EPA recommended that the variance be granted. "Considering the absence of citizen complaints . . . denial of the variance would cause a hardship. The Agency is aware of the current nationwide shortage of non-photochemically reactive solvents and notes that Petitioner is not unique in its inability to obtain such solvents. The Agency also believes that due to the current shortage of natural gas, thermal incineration is not, at this time, a viable means by which Petitioner may achieve compliance with Rule 205(f)."

Petitioner's variance is granted through December 31, 1974. The hardship is not self-imposed, and Petitioner is engaged in good faith efforts to solve its pollution problem.

The Federal Energy Office has established mandatory allocation of petrochemical feedstocks to petrochemical producers -- including solvent manufacturers -- in a quantity equal to 100 percent of the producer's current requirements (Fed. Reg. Vol. 39, No. 10, Part III, Subpart 211J, January 15, 1974). Petitioner should utilize such exempt solvents as they become available.

ORDER

Petitioner is hereby granted a variance from Rule 205(f) of Chapter Two to operate both its #3 paint dip tank and its #6 bake oven at such a level as to emit not more than 11.725 lbs per hour of photochemically reactive organic solvent vapors from each. This Variance, which extends through December 31, 1974, is subject to the following conditions:

1. Commencing 30 days after the date of this final Order, Petitioner shall submit bi-monthly reports to the EPA detailing all progress made toward eventual compliance with Rule 205(f). Said reports shall be sent to:

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

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

3. Petitioner shall switch to an exempt paint formulation by May 17, 1974.

4. Within one hundred and eighty days of the adoption of this Order, Petitioner shall submit a revised compliance plan to the EPA. This plan shall achieve compliance under one of the following methods:

- a. Achieve compliance at the expiration of the Variance by replacement of photochemically reactive solvents with non-reactive solvents demonstrated to be readily available; or
- b. Achieve compliance at the expiration of the Variance by qualification under the Alternative Standard of Rule 205(f) (1); or
- c. Achieve compliance by May 30, 1975, under the provisions of Rule 205(f)(2)(D).

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 25th day of April, 1974, by a vote of 5 to 0.


Christan L. Moffett