

ILLINOIS POLLUTION CONTROL BOARD
December 20, 1984

ALL-STEEL, INC.,)
)
Petitioner,)
)
v.) PCB 83-239
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.)

MESSRS. ED SCHAEFER AND JEFF MASI, NON-ATTORNEYS, APPEARED
ON BEHALF OF PETITIONER; AND

PETER E. ORLINSKY, ESQ., APPEARED ON BEHALF OF RESPONDENT.

OPINION AND ORDER OF THE BOARD (by J. Marlin):

This matter is before the Board upon the December 29, 1983 petition by All-Steel, Inc. (All-Steel) for a six month variance extension from 35 Ill. Adm. Code 215.204(g) (Old Rule 205(n) (1)(G) of Chapter 2) for its facility located in Montgomery, Illinois. In response to a Board Order dated January 12, 1984, All-Steel filed an amended petition on February 15, 1984. The Illinois Environmental Protection Agency (Agency) filed its recommendation on March 29, 1984. Hearing was held in Aurora, Illinois on June 11, 1984. There was no citizen testimony at the hearing and the Board has received no public comment in this matter.

All-Steel owns and operates a metal office furniture manufacturing facility which includes six paint spray booths and three paint dip tanks which apply surface coatings to its products. All-Steel utilizes in excess of 100 types and colors of industrial finishes which are subject to the limitations of Section 215.204(g), which requires compliance by December 31, 1982. A previous one year variance was granted by the Board to All-Steel until December 31, 1983 (51 PCB 129, February 10, 1983; PCB 82-110). It is the intention of All-Steel to achieve compliance with the Regulations with the use of high solids, low VOC coatings by July 1, 1984. This compliance plan is associated only with the spray booths since All-Steel's dip tanks were apparently in compliance by the December 31, 1982 deadline.

All-Steel's original compliance plan (instituted in January, 1980) contemplated total compliance by the deadline, but unforeseen problems necessitated additional time in which to achieve compliance. All-Steel alleges that by July 1, 1984 it will

finish the equipment modification to allow for the application of remaining reformulated coatings. Petitioner's specific time schedule for compliance is as follows:

January, 1984:	Begin final installation of heaters
February, 1984:	Begin final installation of pumps
March, 1984:	Begin high solids tinting system
April, 1984:	Complete installation of heaters and pumps
May, 1984:	Complete tinting system
June, 1984:	Complete de-bugging

The Agency states that the additional six month time period requested by All-Steel to complete conversion of its system is reasonable. In addition, the Agency mentions that All-Steel has spent over \$1 million complying with the regulations (Ag. Rec. at 2). As of December 1983, approximately 90% of Petitioner's coatings had been successfully reformulated. Monthly VOC emissions decreased from 83,760.3 pounds in January, 1983 to 15,704 pounds in December, 1983. The Board notes the problem associated with reformulation of coatings where customer approval tests and equipment modification is necessary.

All-Steel's facility is located in an industrial area with the nearest residence approximately one mile distant. The Agency has received no complaints concerning this petition.

The Agency believes that the extension requested in the instant petition will not cause any increased health effects and that compliance with its episode plan by All-Steel will result in a reduction of emissions during any period of high ozone concentration. All-Steel's facility is located in an area which is classified as nonattainment for ozone. In 1982, the 0.12 ppm federal ambient air quality standard was not exceeded at the nearest monitor in Glen Ellyn. In 1983 it was exceeded twice (Ag. Rec. at 4).

The Agency recommends grant of the variance since All-Steel has been diligently seeking a means to reduce its VOC emissions. Additionally, its episode action plan provides sufficient safeguards during periods of high ozone concentrations and the proposed period of non-compliance is only six months. The alternative to the variance extension would be the costly installation of thermal incineration controls which the Board finds would impose an arbitrary or unreasonable hardship on All-Steel. The Agency believes that the variance, if granted, must be submitted to the U.S. Environmental Protection Agency as a revision to the State Implementation Plan and states its intention to so proceed. The Agency therefore recommends a grant of variance subject to certain conditions.

When the Board initially adopted the VOC emission limitations in 1979, it recognized that the regulations would be technology forcing and anticipated the use of the variance procedure for relief, if necessary. By manifestations at hearing, it appears All-Steel is now in compliance. It intended to be in compliance by July 1, 1984. The Board notes that All-Steel should have timely filed its petition ninety days before the expiration of the last variance. Although All-Steel has not timely filed its petition, given its efforts at compliance in conjunction with the minimal adverse environmental impact, the Board will grant a retroactive variance subject to certain conditions.

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

ORDER

1. All-Steel, Inc. is hereby granted variance from 35 Ill. Adm. Code 215.204(g) subject to the conditions below.
2. This variance covers the period from January 1, 1984 until July 1, 1984.
3. Within forty-five days of the date of this Order, All-Steel, Inc. shall execute and forward to the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this Order. This forty-five day period shall be held in abeyance for any period this matter is being appealed. The form of the certification shall be as follows:

CERTIFICATE

I, (We), _____, having read the Order of the Illinois Pollution Control Board in PCB 83-239, dated _____, 1984 understand and accept the said conditions thereto binding and enforceable.

Petitioner

By: Authorized Agent

Title

Date

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 6th day of December, 1984 by a vote of 6-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board