

ILLINOIS POLLUTION CONTROL BOARD
February 25, 1988

CELLU-CRAFT (PALATINE), INC.,)
)
 Petitioner,)
)
 v.) PCB 87-188
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
 Respondent.)

MR. GUY V. CROTEAU APPEARED ON BEHALF OF PETITIONER;

MR. JOSEPH R. PODLEWSKI, JR., APPEARED ON BEHALF OF RESPONDENT.

OPINION AND ORDER OF THE BOARD (by R. C. Flemal):

This matter comes before the Board upon a Petition for Variance filed November 30, 1988 by Cellu-Craft (Palatine), Inc. ("Cellu-Craft"). Cellu-Craft requests variance until April 15, 1988 from the requirements of 35 Ill. Adm. Code 215, Subpart P, for flexographic printing operations in ozone non-attainment areas.

On January 19, 1988 the Illinois Environmental Protection ("Agency") filed a recommendation that the requested relief be granted, subject to conditions. Hearing was held January 28, 1988 in Chicago.

BACKGROUND

Cellu-Craft operates a flexographic printing and laminating facility located at 250 South Hicks Road, Palatine, Cook County, Illinois, where it produces packaging material, mainly for the food industry. During the production of the packaging materials volatile organic materials ("VOM") are released to the atmosphere. The aggregate uncontrolled emissions of VOM at the Palatine facility exceed 100 tons per year.

Prior to November 9, 1987 Cellu-Craft was exempt from the requirements of Subpart P pursuant to the 1000 ton per year aggregate uncontrolled emissions exemption then found at 215.402. However, in response to proposed U.S. Environmental Protection Agency disapproval of 215.402, the Board on October 19, 1987 amended Subpart P to, *inter alia*, lower the exemption applicable to Cellu-Craft and similarly located facilities to 100 tons per year. The amendments, which became effective November 9, 1987, further require compliance with the emissions limitations of Subpart P by December 31, 1987. Because it was

unable to achieve compliance within the available timeframe, Cellu-Craft has requested the instant relief.

COMPLIANCE PROGRAM

Notwithstanding the recentness of the applicability of Subpart P regulations to Cellu-Craft and notwithstanding its prior compliant status, Cellu-Craft has been investigating various methods of reducing emissions for several years, including substitution of inks (Agency Rec. at 4). Additionally, as early as October 1986 Cellu-Craft completed an engineering study preparatory to addition of add-on controls and in January, 1987 prepared specifications for adding a catalytic afterburner. However, during a mid-1987 retrofit of its emissions recirculation system, consistent with the installation of a catalytic afterburner system, certain problems were identified with the earlier specified afterburner. A particular problem was deactivation of the precious metal catalyst due to chlorine in the airstream (R. at 18). Accordingly, Cellu-Craft decided to purchase a combination catalytic/thermal oxidizer, which was done in November 1987; the Agency has issued the appropriate construction permit (R. at 8). Cellu-Craft anticipates that installation of the oxidizer will take place in March 1988, and that the oxidizer will be operational after April 15, 1988.

The Agency believes that the add-on equipment which Cellu-Craft intends to install will readily meet the required reduction in VOM emissions (Agency Rec. at 7).

HARDSHIP AND ENVIRONMENTAL IMPACT

In addressing the matter of hardship, the Agency notes:

The Agency believes that compliance with the VOM emission limitation of Section 215.401 by December 31, 1987 will create an unreasonable hardship for Cellu-Craft. Although it began its VOM reduction efforts long before Section 215.245 became effective, unforeseen events beyond Cellu-Craft's control ... caused Cellu-Craft's compliance date to be delayed by 3 1/2 months. Because Cellu-Craft cannot realistically install and operate VOM control equipment by December 31, 1987, its only compliance alternative is to shut down its printing operations. Since more than 99% of all products manufactured at the plant are printed, it is likely that a shut down of the flexographic presses would cause a shut down of the entire plant and a temporary loss of 65 jobs with an annual payroll of about \$1.82 million. (Agency Rec. at 9)

Although Cellu-Craft's facility is located in an ozone non-attainment area, Cellu-Craft should have its add-on control equipment in operation at the onset of the 1988 ozone season. Thus, any impact of excess emissions during the term of the requested variance should be mitigated.

CONCLUSION

Based on the record before it, the Board finds that, absent the requested relief, Cellu-Craft would incur an arbitrary or unreasonable hardship not justified by the environmental impact. For these reasons the Board will grant the requested relief, subject to conditions.

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

ORDER

Cellu-Craft, Inc., is hereby granted variance for its Palatine, Illinois, facility from the requirements of 35 Ill. Adm. Code 215 for flexographic printing operations in ozone non-attainment areas subject to the following conditions:

- 1) Variance shall begin January 1, 1988 and extend through April 15, 1988.
- 2) During the term of this variance Cellu-Craft shall submit monthly written reports to the Agency detailing all progress made in achieving compliance with 35 Ill. Adm. Code 215, Subpart P, at its plant located at 250 South Hicks Road, Palatine, Illinois. The first monthly report will be due thirty (30) days from the date of the Board order granting the variance. These monthly reports shall include monthly VOM emission data from each printing press. The first monthly report shall also include copies of material data sheets showing the composition (in terms of percentage of solid, solvent and water) of all inks and coatings used during the flexographic printing processes. All of the above information shall be submitted to the Agency at the following address:

1. Manager, Permit Section
Division of Air Pollution Control
Illinois Environmental Protection Agency
1340 N. Ninth Street
Springfield, Illinois 62702

2. Manager, Field Operations Section
Division of Air Pollution Control
Illinois Environmental Protection Agency
1701 S. First Avenue
Suite 600
Maywood, Illinois 60153

2. Petitioner shall abide by all conditions of Permit Nos. 73040047 and 86110047, issued December 23, 1985.

Within 45 days of the date of this Order, Petitioner shall execute and forward to Mr. Joseph R. Podlewski, Jr., Enforcement Attorney, Illinois Environmental Protection Agency, 1701 S. First Avenue, Suite 600, Maywood, Illinois 60153, a Certification of Acceptance and Agreement to be bound to all terms and conditions of this variance. The 45-day period shall be held in abeyance during any period that this matter is being appealed. Failure to execute and forward the Certificate within 45 days renders this variance void and of no force and effect as a shield against enforcement of rules from which variance was granted. The form of said Certification shall be as follows:

CERTIFICATION

I (We), _____, hereby accept and agree to be bound by all terms and conditions of the Order of the Pollution Control Board in PCB 87-187, dated February 25, 1988.

Petitioner

Authorized Agent


Title

Date

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1985 ch. 111 $\frac{1}{2}$ 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 25th day of February, 1938, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board