

ILLINOIS POLLUTION CONTROL BOARD
April 1, 1982

NATIONAL CAN CORPORATION)
(ROCKFORD PLANT),)
)
Petitioner,)
)
v.) PCB 81-189
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by I. Goodman):

On December 2, 1981, National Can Corporation (National) filed a Petition for Variance for its Rockford Plant requesting relief from the provisions of Rule 205(n)(1)(B) of the Board's Air Pollution Control Regulations. Hearing was deemed waived in this matter and none was held. The Board has received no public comment.

On December 3, 1981, the Board ordered National to amend its Petition with respect to additional information pursuant to Rule 401 requirements and to address the matter of hearing. On January 11, 1982, National submitted its Amended Petition herein along with a rather ambiguous statement concerning the 401(b) hearing requirement. By Order of January 21, 1982, the Board accepted the amended Variance Petition, construed the ambiguous statement as a hearing waiver pursuant to Procedural Rule 401(b), and ordered the matter held for Agency recommendation. On March 8, 1982, the Agency filed its Recommendation herein.

National operates a can making facility in Loves Park in an area that is primarily industrial with some residential housing. The plant manufactures metal cans utilized by the food and beverage industries. Included in the equipment located at National's Loves Park facility are four sanitary can lines, one beer can line, and six end presses which apply end sealing compound. Each can line has an inside and outside side seam stripe and the beer can line has an inside spray. The foregoing equipment utilizes several types of coatings which contain volatile organic compounds (VOC). The VOC emissions from the can coatings must meet the requirements of Rule 205(n)(1)(B) of Chapter 2 by December 31, 1982. There are three ancillary compliance scheduling rules involved, but Rule 205(n)(1)(B) is the operative rule.

National had anticipated timely compliance with the Rule by reformulation of its coatings. In 1980, National had emitted 68.3 tons per year of VOC emissions while total emissions for the facility were limited by Rule 205(n) to 38.1 tons per year of VOC emissions. National now contends that unanticipated problems in its reformulation program will necessitate an additional year in which to achieve compliance. National is planning to convert its major coating material to a water-borne formulation which is inherently low in VOC. It does not plan to reformulate all the coatings, but intends to rely on the Bubble concept now being considered by the Board in a regulatory proceeding, R81-20.

One coating is already in over-compliance. Therefore, during the period of the variance sought, National will be required to reduce its VOC emissions by a total of 12.5 tons per year. The alternative means of compliance is the installation of an afterburner, which would cost approximately \$150,000, with an annual operating expense of approximately \$100,000. National alleges that requiring it to install the costly control equipment to be used for only one year would amount to an arbitrary and unreasonable hardship.

In its Recommendation, the Agency states that it considers National's plan of compliance and the additional one-year period of time within which to achieve compliance to be reasonable considering the difficulty in reformulation of coatings used in the food and beverage industries, a time-consuming process which includes chemical reformulation, flavor tests, sealing efficiency tests, and customer approval tests. National's facility is located in a mixed industrial-residential area and the Agency has received no adverse reaction from area residents to the variance sought by National. Although the emissions in question are photochemically reactive and contribute to the formation of ozone, the Agency believes that extension of the compliance deadline should not cause any increased health effects. In addition, a certain amount of protection is afforded through National's episode action plan which requires a reduction of emissions during periods of high ozone concentration. There were no violations of either state or federal standards with regard to ozone at the closest monitoring station to National's facility and the record was silent as to long range transport problems.

The Agency believes that the variance, if granted, would be subject to submission to the U.S. Environmental Protection Agency as a revision to the State Implementation Plan. The Agency is of the opinion that if the Board adopts an order consistent with the Agency's Recommendation, the order should be approvable as a SIP provision and it would be the Agency's intention to so submit the variance, if granted.

The Board finds that denying the proposed variance would constitute an arbitrary and unreasonable hardship upon National considering the effort expended thus far and the problems inherent in the reformulation of coatings used in the food and beverage industries, along with the apparent lack of environmental harm that would occur. The Board will therefore grant National variance from Rule 205(n)(1)(B) of Chapter 2: Air Pollution, until December 31, 1983 subject to certain conditions.

This Opinion constitutes the finding of facts and conclusions of law of the Board in this matter.

ORDER

1. National Can Corporation is hereby granted variance for its Rockford Plant from Rule 205(n)(1)(B) of Chapter 2: Air Pollution until December 31, 1983 subject to the following conditions:
 - a) National Can Corporation shall, within twenty-eight days of the date of this Order and every third month thereafter, submit written reports to the Illinois Environmental Protection Agency concerning progress made in achieving compliance with Rule 205(n)(1)(B) of Chapter 2: Air Pollution. Reports shall include information on the quantity and the VOC content of all coatings utilized during the reporting period, the status of the formulation program, and any other information requested by the Agency. The reports shall be submitted to the Agency at the following addresses:

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

and

Illinois Environmental Protection Agency
Division of Air Pollution Control
Region 1, Field Operations Section
1701 S. First Avenue
Maywood, Illinois 60153

- b) At least 180 days before the expiration date of this variance, National Can Corporation shall file an Alternative Control Strategy Permit application pursuant to any existing Board regulation concerning alternative control strategies.
- c) Within forty-five days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Air Pollution Control Division, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period this matter is being appealed. The form of the certificate shall be as follows:

CERTIFICATE

I, (We), _____ having read the Order of the Illinois Pollution Control Board in PCB 81-192, dated _____, understand and accept the said conditions thereto binding and enforceable.

Petitioner

By: Authorized Agent

Title

Date

2. The Board shall retain jurisdiction in this matter.

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 15th day of April, 1982 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board