IEPA ATTACHMENT NO. 12

ILLINOIS POLLUTION CONTROL BOARD
November 21, 2002

IN THE MATTER OF:	)	
	)	
PETITION OF FORD MOTOR COMPANY	)	AS 02-3
(CHICAGO ASSEMBLY PLANT) FOR	)	(Adjusted Standard - Air)
AN ADJUSTED STANDARD FROM	)	
35 ILL ADM. CODE 218.986	)	

JANE E. MONTGOMERY, SCHIFF, HARDIN & WAITE, APPEARED ON BEHALF OF PETITIONER; and

CHARLES E. MATOESION, ASSISTANT COUNSEL, APPEARED ON BEHALF OF RESPONDENT.

OPINION AND ORDER OF THE BOARD (by M.E. Tristano.):

This matter comes before the Board upon a Petition for Adjusted Standard (Pet.) filed on February 4, 2002, by Ford Motor Company, Inc. (Ford) for an adjusted standard pursuant to Sections 27 and 28.1 of the Environmental Protection Act (Act) (415 ILCS 5/27, 28.1 (2000)) and 35 Ill. Adm. Code Part 104.

Ford requests that the Board revise its former adjusted standard, which adopted an adjusted volatile organic material (VOM) emission limitation for the solvent cleanup operations at Ford's Chicago Assembly Plant (Chicago Assembly) under 35 Ill. Adm. Code Part 218, Subpart TT, entitled "Other Emission Units." *See* *In re* Petition of Ford Motor Company for an Adjusted Standard from 35 Ill. Adm. Code 218.986, AS 00-6 (Apr. 6, 2000). Specifically, Ford requests the Board to grant an adjusted standard from 35 Ill. Adm. Code 218.986 for a 50-ton reduction in their emissions, lowering the 390 tons VOM per rolling 12 month total to a 340 tons VOM per rolling 12 month total. Ford's petition states that this request for reduced VOM emissions is a result of discussions with the United States Environmental Protection Agency (USEPA) Region V, community members, and environmental groups. At hearing and in its recommendation, the Agency stated its support for Ford's request.

The Board's responsibility in this matter arises from the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (2000)). The Board is charged to "determine, define and implement the environmental control standards applicable in the State of Illinois" (415 ILCS 5/5(b) (2000)), and to "grant . . . an adjusted standard for persons who can justify such an adjustment" (415 ILCS 5/28/1(a) (2000)). More generally, the Board's responsibility in this matter is based on the checks and balances integral to Illinois environmental governance: the Board is charged with the rulemaking and principal adjudicatory functions, and the Illinois Environmental Protection Agency (Agency) is responsible for carrying out the principal administrative duties.

Based upon the pleadings before it and upon review of the factors involved in the consideration of adjusted standards, for the reasons outlined below, the Board finds that Ford

Motor Company has met the requirements for an adjusted standard. The Board grants the requested relief from 35 Ill. Adm. Code 218.986, subject to conditions suggested by the parties.

Procedural History

On February 4, 2002, Ford filed a petition for an adjusted standard for its Chicago Assembly Plant located at 12600 Torrence Avenue, Chicago, Illinois. Ford requests that the Board revise the adjusted standard granted effective April 6, 2000 as it relates to volatile organic material (VOM) limitations for the solvent clean up operations at the Chicago Assembly enumerated within the applicable provisions of 35 Ill. Adm. Code 218. Subpart TT.

On February 15, 2002 Ford filed its certificate presented a certification of Public Notice demonstrating the required publication of notice of its petition for adjusted standard in the *Chicago Tribune* on February 7, 2002. The Illinois Environmental Protection Agency (Agency) filed its recommendation on April 22, 2002. The Agency recommends that the Board grant the requested revision to 35 Ill. Adm. Code Part 218, Subpart TT entitled, "other Emissions units."

On August 15, 2002, a hearing was held at Fords' request; there was no public participants or additional evidence presented.

Statutory and Regulatory Framework

The Board's authority to grant adjusted standards derives from Section 28.1 of the Illinois Environmental Protection Act (Act), 415 ILCS 5/28.1 (1998). Section 28.1(a) provides that a petitioner may request, and the Board may impose, a standard different from that which would otherwise apply to the petitioner as the consequence of the operation of a rule of general applicability. The criteria for granting an adjusted standard are set forth in Section 28.1(c), which provides:

c. If a regulation of general applicability does not specify a level of justification required of a petitioner to qualify for an adjusted standard, the Board may grant individual adjusted standards whenever the Board determines, upon adequate proof by the petitioner, that:

1. factors relating to that petitioner are substantially and significantly different from the factors relied upon by the Board in adopting the general regulation applicable to the petitioner;

2. the existence of those factors justifies an adjusted standard;

3. the requested standard will not result in environmental or health effects substantially and significantly more adverse than the effects considered by the Board in adopting the rule of general applicability; and

4. the adjusted standard is consistent with any applicable federal law.415 ILCS 5/28.1(c) (1998).

Background and History

Ford has operated the Chicago Assembly operation at its present location since 1924. Chicago Assembly is composed of a plant body shop, paint shop, final assembly shop and waste water treatment plant (Pet. at 3). A body shop assembles vehicle bodies using stampings, frames, low VOM adhesives and welding operations. *Id.* The vehicle body is then conveyed into a paint shop where the body is run through the following: a cleaning and chemical coating process, electrodeposition coating (which is oven-dried), application of sealers to seams and areas of the vehicle body, prime coating (which is oven-dried), and top coating (which is ovendried). Pet. at 3-5. The painting operation uses automated paint application equipment and high solids paint. Pet. at 3. Automated application equipment cannot reach all areas of the vehicle body, however; some areas must be painted manually by workers using hand held applicators. Pet. at 5.

Clean-up operations of various types are an integral part of Ford's process. Vehicle bodies pick up oils, grease and dust due to employee contact, ambient air, equipment contact and materials used in manufacturing. Pet. at 3-4. Due to the high quality finishes demanded by Ford's customers, solvent clean-up operations are vital to Ford's operations. *Id.* Also, inherent in the paint operation is the need to clean up facility components associated with that operation.

In its previous decision in Petition of Ford Motor Company, AS 00-6, the Board found that Ford presented sufficient evidence to justify an adjusted standard to allow 390 tons of VOM emissions from its Chicago Assembly. The Board will not repeat the substance of its decision here in detail, but will give a brief summary.

First, the Board found that reducing emissions to achieve compliance with Section 218.986 would cost approximately $45,500 per ton far exceeding the level generally found economically reasonable.

Second, the Board found and the USEPA acknowledged that Ford's proposed interim compliance plan implemented as a result of the adjusted standard would result in the greatest emission reduction possible using technologically and economically feasible controls.

Third, the adjusted standard granted had negligible impact on air quality and would not result in environmental or health effects significantly more adverse than the effects considered by the Board in adopting Subpart TT of 35 Ill. Adm. Code 218.

Fourth, the original petition for adjusted standard was consistent with federal law as outlined within Section 110 of the Federal Clean Air Act, 42 U.S.C. § 7410.

The Requested Revision

Ford now seeks to reduce the VOM emission maximums from 390 tons to 340 tons per year as calculated on a 12 month rolling total basis for their clean-up solvent operations at Chicago Assembly. Ford proposes no modifications in the record keeping, reporting requirements, work practices or employee awareness progress. The proposed figure of 340 tons per year represents a cap on allowable VOM emissions and is supported by the Illinois Environmental Protection Agency. Agency Rec. at 7. Ford presented detailed records which indicated actual emission averages far below the current 390 tons per year limit, 282 tons in 2000 and 240 in 2001. Agency Rec. at.7.

Both Ford and the Agency concur that since the petition is seeking a voluntary reduction of 50 tons from a previously approved adjusted standard that the need for compliance alternatives is not applicable and the documents referenced in the previous Board deliberation should be sufficient.

Environmental Impact

The intent of the regulations promulgated under 35 Ill. Adm. Code Par 218 is to implement Reasonably Available Control technology (RACT) for VOM sources in the Chicago ozone non-attainment area. Agency Rec. at 10. The petition's control plan significantly reduces emission of VOM from the clean-up operations and, reduces the cap to 340 tons per year. Ford maintains and the Agency agrees, that the voluntary reduction of 50 TPY from the adjusted standard in Petition of Ford Motor Company, AS 00-6 will have a positive impact on air quality despite the continued infeasibility of Ford's complying with Subpart TT. Agency Rec. at 10. The Board finds that the environmental impact of the proposed revision is positive, as it represents a 50 TPY emissions reduction.

Consistency with Federal Law

Section 110 of the federal Clean Air Act, 42 U.S.C. § 7410, grants individual states the authority to promulgate a plan for implementation, maintenance and enforcement of air quality standards, subject to approval by USEPA. A state may revise its State Implementation Plan, again subject to USEPA approval. *Id.* The Agency has indicated that this revision to the adjusted standard will be submitted as a SIP revision. Agency Rec. at 12. We note that the terms of this previously granted revision have already been thoroughly discussed with the USEPA. The Board finds that this criterion is satisfied.

Conclusion

In granting Ford the original adjusted standard in Petition of Ford Motor Company, AS 00-6, the Board found that Ford complied with all requirements of Section 28.1 of the Act. Since 2000, Ford has determined that it can reduce emissions by 50 tons. The Board is pleased to amend the prior adjusted standard to accommodate this voluntary reduction.

Order

Ford Motor Company (Ford) is hereby granted a revision to the adjusted standard from 35 Ill. Adm. Code 218.986 insofar as that regulation applies to VOM emissions from Ford's solvent clean-up operations listed below, subject to its previous conditions and terms as presented below:

1. Applicability. The provisions of this adjusted standard apply to the following clean-up operations at the Ford's Chicago Assembly Plant (the facility):

   a. Paint booth wall/grate and paint floor cleaning operations;

   b. Automated paint application cleaning (external);

   c. Manual paint application equipment and associated hoses;

   d. Floor cleaning;

   e. Purge system for automated paint application equipment;

   f. Ultra filter cleaning and paint supply system cleaning; and

   g. Vehicle body cleaning.

2. Emission Control Requirements.

   a. Emissions of VOM from the cleaning operations may not exceed 340 tons per year as calculated on a 12 month total rolling basis.

   b. The facility may not use spray equipment to apply any cleaning solvent containing in excess of 3.5 pounds VOM per gallon (minus water and exempt compounds) for cleaning paint booth walls, grates, or the exteriors of paint application equipment.

   c. The facility may not utilize VOM-containing materials to remove paint from paint booth grates. This restriction does not prohibit the use of VOM containing grate coatings which reduce adhesion of uncured paint to grate surfaces.

   d. The facility may not store waste solvent or soiled rags from cleaning operations in open containers when not in use except as necessary to prevent a fire hazard.

3. Record Keeping and Reporting.

a. For each VOM-containing material utilized in a cleaning operation, the facility must record the following information on a monthly basis:

i. The name and identification of the VOM-containing material;

ii. A listing of the operations in which the VOM-containing material was used;

iii. The pounds of VOM per gallon of the VOM-containing material, calculated using 40 C.F.R. 60, Appendix A, Method 24 (incorporated by reference at 35 Ill. Adm. Code 218.112(d));

iv. The total gallons of VOM-containing material used; and

v. The total gallons of solvent recovered for disposal as calculated in accordance with paragraph (c) below.

b. The facility must also record the following facility-wide information on a monthly basis:

i. The monthly calculated usage of VOM from each cleaning material used in each operation specified in section (1) above;

ii. The monthly calculated emissions of VOM utilizing the information in subparagraph (i) above, and VOM credit as calculated in accordance with paragraph (c) below; and

iii. The 12 month rolling total of VOM emissions calculated in accordance with paragraph (d) below.

c. For each shipment of waste solvent from the purge reclaim tank to a solvent reclaimer, the facility must obtain the weight percent solids, weight percent water, density, total volume in gallons, pounds of VOM per gallon, and pounds of VOM credit. Ford must ensure that the solvent reclaimer utilizes USEPA Method 24 for determining VOM content, weight percent solids, weight percent water, and density.

d. Compliance with the emissions limit of 340 tons per year as calculated on a 12 month rolling total basis is determined by calculating VOM emissions for the previous month and adding emissions for the preceding 11 months, for a 12 month total.

e. Compliance calculations for the emission limit of 340 tons per year as calculated on a 12 month rolling total basis must be performed within 15 days of the end of each month.

f. By April 1 of each year, the facility must obtain from each of its cleaning material suppliers a listing of each VOM-containing cleaning material, its VOM content, and the quantity of cleaning material delivered to the facility during the previous calendar year.

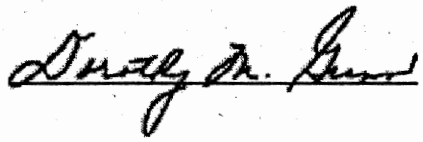
g. Records required by this section must be retained at the facility, available for inspection by IEPA during regular business hours, for a period of three years.

h. Ford must notify IEPA in writing within 15 days of finding that the total VOM emission limitation of 340 tons per year has been exceeded. In any such notification Ford must identify the suspected cause of the exceedance and any measures taken to prevent any future exceedance.

4. Employee Awareness. Ford must make a copy of the requirements of this adjusted standard available to paint shop cleaning personnel and paint shop area managers.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on November 21, 2002, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board