

ILLINOIS POLLUTION CONTROL BOARD
March 20, 1980

WAGNER CASTINGS COMPANY,)
a corporation,)
)
Petitioner,)
)
v.) PCB 79-124
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by Dr. Satchell):

On June 15, 1979 Wagner Casting Company (Wagner) filed a petition for a variance from Rules 301, 302 and 501 of Chapter 9: Special Waste Hauling Regulations (Chapter 9). The requested variance would authorize Wagner to transport casting sand from its foundry to a landfill without complying with the special waste manifest requirements of Chapter 9. The petition is deficient in a number of respects:

1. It is unclear whether the "sand" referred to in the petition is "core sand" within the meaning of the definition of "Industrial Process Waste" found in Rule 103 of Chapter 9. If the sand is not core sand, the petition may be deficient without a showing that it falls under the general definition of industrial process or hazardous waste.
2. In the petition Wagner refers to "sludge from wet dust collectors" but fails to specify whether a variance is requested also for the sludge. If such variance is requested the petition may be deficient in its description of the sludge.
3. Wagner has not included in its estimated costs of compliance information on the cost of obtaining manifest forms with the information which is identical for each load preprinted on the forms (Rule 103, definition of "manifest").
4. Wagner has not included information on cost savings which would result from the use of manifest forms for its own record keeping (R76-10, 33 PCB 131, 147, March 15, 1979).

5. Wagner has requested a variance from Rule 302 as well as Rule 301. Rule 302(A) proscribes acceptance of waste without a manifest. This refers to conduct not by Wagner, but by the recipient of the waste, the Rhodes Landfill. The Board may be unable to grant a meaningful variance unless the landfill joins as a petitioner.

The petition is dismissed.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 20th day of March, 1980 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board