

ILLINOIS POLLUTION CONTROL BOARD
September 8, 1983

ACME BARREL COMPANY,)
)
 Petitioner,)
)
 v.) PCB 82-135
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

MR. BARRY GREENBURG, FISCH, LANSKY AND GREENBURG, APPEARED ON BEHALF OF PETITIONER;

MR. PETER E. ORLINSKY, ATTORNEY AT LAW, APPEARED ON BEHALF OF RESPONDENT.

OPINION AND ORDER OF THE BOARD (by D. Anderson):

This matter comes before the Board upon a variance petition originally filed November 16, 1982 by Acme Barrel Company (Acme), requesting a variance from Rules 105(a), 105(d), 202(b), 203(e) and 502 of Chapter 2: Air Pollution, from Section 9(a) of the Environmental Protection Act (Act), and from certain conditions of its operating permit in order to allow completion of a compliance program. The variance request pertains to an incinerator at a steel drum recycling operation in Chicago. The Illinois Environmental Protection Agency (Agency) has recommended that the variance be granted with conditions. The essential pleadings are as follows:

November 16, 1982	Petition for variance
December 16, 1982	First Amended Petition
December 29, 1982	Second Amended Petition
February 22, 1983	Recommendation
March 14, 1983	Third Amended Petition
May 24, 1983	Fourth Amended Petition
July 11, 1983	Amended Recommendation
August 16, 1983	Fifth Amended Petition

A public hearing was held in Chicago on July 15, 1983. Acme proceeded on the basis of the petition as modified through the verified fourth amended petition without offering any evidence. The Agency indicated that it agreed with the facts alleged, and presented testimony to support its recommended conditions. Acme acceded to these conditions, except with respect to the recommended minimum temperature of the afterburner, which is discussed below. There is no indication of any public participation, and the Board has received no comments.

The drum recycling plant is situated at 2300 West 13th Street, Chicago. It recycles up to 4000 drums per day by burning them in an incinerator to remove residues along with old paint and labels. This aspect of the operation has been the subject of the following previous Board cases:

1. PCB 72-404, 10 PCB 301, December 13, 1973 (enforcement action for air pollution).
2. PCB 74-138, 13 PCB 207, July 25, 1974 (variance from Order in PCB 72-404).
3. PCB 74-454, 15 PCB 621, February 27, 1975 (extension of variance in PCB 74-138).

Acme's final variance extension expired on March 1, 1975. Acme has taken several steps to improve emissions, although some problems persist. Acme was issued an operating permit at some point, but renewal was denied, resulting in this variance request (Third Amended Petition, Amended Rec. ¶5).

Section 9(a) of the Act prohibits emissions which tend to cause air pollution or which violate Board rules. The following is a summary of the regulations involved in this variance:

Rule

- | | |
|------------|--|
| 105(a) | Prohibition on operation during breakdown or startup |
| 105(d) | Reports of operation during breakdown or startup |
| 202(b) | Prohibition of visual emissions of opacity greater than 30% |
| 203(e) | Particulate emission standards for incinerators |
| 203(e) (3) | Particulate emission standard of 0.2 grains per standard cubic foot corrected to 12% carbon dioxide, applicable to existing incinerators burning less than 2000 pounds of refuse per hour. |
| 502 | Prohibition of open burning. |

The operation produces visible and particulate emissions from several sources, including:

1. Ignition of drum materials on the chain before entering the incinerator.
2. Drums which emerge from the incinerator still burning.
3. Leakage around entrance and exit ports.
4. Leakage from porous brick work.
5. Direct emissions from the stack.

The Agency believes that these violate the standards of Rules 202(b) and 203(e)(2), and that the burning of drums in the open violates Rule 502.

Earlier efforts at compliance centered on draining and cleaning of drums prior to incineration. There have been problems maintaining this equipment. Furthermore, it produces waste sludges which are difficult to dispose of. It appears now that it is environmentally preferable to incinerate as much of the contents as is possible.

The original petition proposed a compliance program which is summarized as follows:

1. Installation of internal baffles between the drum burner and the afterburner to decrease the velocity and increase the turbulence of the exhaust gases;
2. Installation of an opacity monitor to notify the operator to institute corrective measures when opacity limits are approached;
3. Installation of a variable speed drive on the conveyor to allow the operator to decrease the speed of loading when conditions so dictate.
4. Introduction of a training program to instruct plant personnel on how to isolate drums heavily laden with material and intersperse them with drums with little material inside so as to maintain an average loading to the incinerator;
5. Construction of an extension to the incinerator's vestibule so as to isolate the drum loading area from the ash pit;
6. Installation of a quenching system for the incinerator carrier chain;

7. Installation of an intermittent water spray system at the incinerator's exit.

This system was mostly constructed and tested during the pendency of the petition. Problems persisted with emissions from entrance and exit doors and from the stack. A consultant concluded that the problem stemmed from occasional overloading of the incinerator with too many drums containing large quantities of residues. Although the drums average only four pounds of residues each, some contain larger quantities of viscous materials, such as undercoating. The consultant concluded that the precise loading rate was too difficult a problem to entrust to the laborers who were responsible for loading drums onto the chain. The consultant recommended a system which monitored conditions in the combustion chamber, afterburner and stack, and automatically regulated the speed of the chain and the flow of gas to the burners. Acme has committed itself to the construction of this system, and requests a variance only through December 31, 1983.

The facility is located in an area which is classified as nonattainment for total suspended particulates. Three and one-half miles northeast of it the 1981 annual geometric mean was 71 micrograms per cubic meter, close to the national ambient air quality primary standard of 75 micrograms per cubic meter. Acme has an episode action plan which will provide sufficient safeguards during periods of high atmospheric pollutant levels (Amended Rec. ¶15).

The Agency has indicated that the variance will have to be submitted to the United States Environmental Agency as a revision to the state implementation plan. The Agency believes the revision would be approved if the variance is granted with the conditions recommended by the Agency.

The Board finds that, considering the short term of the requested variance and the diligence with which Acme is now pursuing its compliance program, that Acme would suffer arbitrary or unreasonable hardship if it were required to cease operations pending completion of upgrading. The Board will grant the variance with conditions similar to those recommended by the Agency. Variances from the Act and from permit conditions will be denied as unnecessary.

The Agency originally recommended that the afterburner be maintained at 1800° F to assure complete combustion (Rec. ¶11). The Agency then recommended 1450° F, with a prohibition on burning drums containing pesticide residues (Amended Rec. ¶11). Acme established that the 1450° F condition was based on a typographical error in a reference, and that 1400° F was sufficient (R. 27, Fifth Amended petition).

Acme requested a variance through December 31, and indicated that it would actually complete the project by December 15. However, the Agency has recommended several conditions which would extend through March 6, 1984. The Board will therefore grant the variance to this later date.

The parties have not indicated whether this is a hazardous waste treatment facility or whether Acme has interim status (35 Ill. Adm. Code 700.105 and 721.107). This variance should not in any way be construed as a variance from any of the hazardous waste regulations.

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

ORDER

Petitioner Acme Barrel Company is granted, for its drum recycling incinerator at 2300 West 13th Street, Chicago, a variance from Rules 105(a), 105(d), 202(b), 203(e)(3) and 502 of Chapter 2: Air Pollution, subject to the following conditions:

1. This variance will expire March 6, 1984.
2. Within 35 days of this Order, Petitioner shall apply to the Agency for all requisite operating permits.
3. At all times, Petitioner shall maintain the temperature in its afterburner at no less than 1400° F.
4. On or before March 6, 1984, Petitioner shall install a continuous temperature recorder on the afterburner.
5. On or before March 6, 1984, Petitioner shall install a continuous recorder on its opacity monitor.
6. Petitioner shall not incinerate any drums containing pesticide residues.
7. On or before March 6, 1984, Petitioner shall install an interlock system which automatically shuts off the barrel feed when afterburner temperature falls below 1400° F.

8. Within 35 days of this Order, Petitioner shall submit a written operating manual to the Agency detailing the implementation of the compliance program specified in paragraph 7. Enclosed in said manual shall be a list of types and quantities of all materials to be burned during the variance period. Said manual shall be sent to the Agency at the following addresses:

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

Environmental Protection Agency
Division of Air Pollution Control, Region I
Field Operations Section
1701 South First Avenue, Suite 600
Maywood, Illinois 60153

9. On or before March 6, 1984, Petitioner shall have stack tests for particulates and organics conducted on the incinerator by an independent stack tester. The Agency shall be notified in writing at least 14 days prior to the tests, and shall have the right to witness the tests and to review all the test results.
10. Within forty-five days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Variance Section, 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:

CERTIFICATION

I, (We,) _____, having read and fully understanding the Order in PCB 82-135, hereby accept that Order and agree to be bound by all of its terms and conditions.


SIGNED _____

TITLE _____

DATE _____

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 8th day of September, 1983 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board