

ILLINOIS POLLUTION CONTROL BOARD
September 4, 1980

WAGNER CASTINGS COMPANY,)
)
 Petitioner,)
)
 v.) PCB 80-93
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

This matter comes before the Board upon an amended variance petition filed June 11, 1980 by Wagner Castings Company, a corporation (Wagner). Charles Rhodes, d/b/a Rhodes Landfill has joined in the petition. Variances are requested from Rules 301, 302 and 501 of Chapter 9: Special Waste Hauling Regulations (Rules). The Environmental Protection Agency (Agency) has recommended that the variances be granted with conditions. No hearing has been held and the Board has received no public comment.

On June 15, 1979 Wagner and Chambers, Bering and Quinlan Company (CBQ) filed petitions for variances from the special waste manifest requirements (PCB 79-124 and PCB 79-125). The Board was eventually advised that CBQ's assets had been purchased by Wagner. The Agency first recommended denial of the variances but then recommended a grant after a response supplying more information was filed. On March 20, 1980 the Board dismissed the petitions as inadequate (37 PCB 537, 539). Wagner thereafter filed a motion for modification and an amendment to the petition to provide additional information and joinder of the Rhodes Landfill. The latter was deemed an amended petition and given the number of 80-93 (PCB 79-124, Order of May 1, 1980). On July 10, 1980 Rhodes' Landfill was granted leave to intervene. On July 21, 1980 the Agency filed a recommendation incorporating by reference the previous recommendation and amended recommendation.

Since the procedural history has become quite complex, it is convenient to set forth the pleadings which are now before the Board (Amended Pet. 2).

Petition in 79-124	June 15, 1979
Response and Exhibit A in 79-124	September 17, 1979
Motion for modification in 79-124	April 28, 1980
Amendment to Petition in 79-124	April 28, 1980
Amended Petition in 80-93	June 11, 1980
Recommendation with Attachments in 80-93	July 21, 1980

Throughout this proceeding Wagner has insisted that it is not required to provide information on its manufacturing processes or the nature of its wastes since it is requesting a variance only "from paperwork and reporting (manifest) requirements." Wagner has made no claim that it is unable to provide the information or that it would involve disclosure of proprietary information. Wagner has now provided facts minimally sufficient to warrant consideration on the merits.

Procedural Rules 401(a)(2) and (3) require particular information on manufacturing processes. Other parts of Rule 401(a) indirectly require information on processes and wastes to be answered fully in the context of this case [Procedural Rules 401(a)(1), (5), (6), (7), (8), (9) and (10)]. There is no exception in the Procedural Rules for variances from reporting requirements. The Board needs this information in order to be fully advised of Petitioner's circumstances and the potential environmental effect of the waste and so that it can determine whether there is arbitrary or unreasonable hardship (Section 36 of the Act). It is necessary to limit Chapter 9 variances to definite wastes. This variance will be limited to those wastestreams which Wagner has identified. Compliance with Chapter 9 will be necessary for any other special wastes generated.

Wagner operates an iron foundry which employs about 1250 persons in Decatur, Macon County. It produces about 70,000 tons of finished product annually. In its casting process molten iron is poured into a mold made from sand and clay. The high temperatures involved cause decomposition of the sand. At present it is not reusable and is landfilled. Wagner generates over 100 tons per day, resulting in ten truckloads per day or 300 per month. This is hauled to Rhodes Landfill, Decatur, in Wagner's own covered trucks.

The petition in PCB 79-125 stated that CBQ operated a grey iron foundry employing about 190 persons in Decatur. It produced about 7200 tons of finished product per year and about twenty tons of spent sand per day. This petition was not listed among the pleadings to be incorporated (Amended Pet. 2). However, incorporation was requested in some of the pleadings which are incorporated. It is unclear whether Wagner's current employment, etc., can be deduced from adding the figures given in the two petitions. The combined operations will result in about 340 loads per month or 4080 loads per year (Amendment to Pet. 2).

The following terms are used in describing Wagner's waste streams:

Core sand--A mixture of sand and clay which has been used to form the inside of a mold.

Molding sand--A mixture of sand and clay which has been used to form the outside of a mold.

Foundry sand--A mixture consisting of roughly one percent core sand and ninety-nine percent molding sand.

Sludge from wet dust collectors--A pollution control waste which is essentially a mixture of foundry sand and water.

Core sand is specifically included in the definition of industrial process waste (Rule 103). Spent core sand typically contains a number of contaminants, notably cyanide. Molding sand typically has lower levels of such contaminants. Wagner mixes the core and molding sand so that the waste to be landfilled is foundry sand. Since it contains core sand it is a special waste regardless of whether the molding sand is an industrial process waste. A generator cannot avoid the requirements of Chapter 9 by mixing special waste with other waste.

Wagner has provided no detailed description of the process which produces the sludge from wet dust collectors. Wagner describes it as a pollution control waste. Therefore it is a special waste. It is hauled in trucks separate from those which haul dry waste. Wagner states that "approximately 15-20% of the tonnage [sic] hauled by the petitioner to Rhodes Landfill as described in the petition is 'sludge from wet dust collectors'" (Amended Pet. 3). Wagner apparently then generates around sixty-eight loads of wet and 272 loads of dry waste each month, although other parts of the pleadings may indicate that the wet waste is eighty-five loads in excess of 340 dry for a total of 425 loads per month.

In its Order of May 1, 1980 the Board specifically inquired as to whether a variance was requested for the sludge from wet dust collectors. In response Wagner stated, "petitioner is not requesting a variance for 'sludge from wet dust collectors'" (Amendment to Pet. 1). However, Wagner went on to provide additional information concerning the sludge. Since this would be irrelevant if the variance were not requested, the Board will assume that the "not" in the quoted statement was a typographical error and deem the pleadings amended.

Wagner has provided no analysis of the sludge but states that it is essentially foundry sand and water. An analysis of the foundry sand was provided (Response, Ex. A). This showed traces of cyanide,

cadmium, chromium, nickel, lead, tin, copper, palladium and zinc. These are apparently expressed as parts per million of the foundry sand and do not represent an analysis of the core sand or a pH 5 leachate test as requested by the Agency (Rec. 3). No analysis of the liquid phase of the sludge is provided.

Wagner estimated its cost of compliance at \$10,410 per year for manifests with each load. It is assumed that this includes CBQ's costs (Response, 2, 4). As an alternative Wagner has proposed to periodically report to the Agency a summary of its waste disposal. Monthly reports would cost \$150, quarterly reports \$82 and semiannual reports \$73 per year (Response, 3). The Agency will be authorized to specify the form and frequency of monitoring by way of permit condition.

Since only one percent of the foundry sand is core sand Wagner is actually generating only three or four loads of it per month. Assuming the molding sand is not a special waste, the excessive number of loads, manifests and hence costs may be a self-imposed hardship resulting from the commingling. However, Wagner states that the molding and core sands "are by the very nature of the casting process shaken off of or out of the finished casting at the same time and thereby end up mixed together" (Amended Pet. 4). The Board does not at this time find self-imposed hardship. The variance will be conditioned on Wagner providing a detailed study of the feasibility of separation and separate disposal, including cost estimates.

There are manufacturers who sell devices which they say will reclaim seventy to eighty percent of the sand normally thrown away. There are questions as to the quality of the reclaimed sand and the amount of such sand which could be introduced into the system. Wagner is investigating this alternative but states that at this time it is not technically or economically feasible for Wagner's operation. It is not clear whether this discussion is referring to core, molding or foundry sand (Response, 4). Since the decomposition problems seem to center on the core sand, the Board will require separate studies of the feasibility of reclaiming each.

Based upon the above considerations the Board finds that Wagner would suffer arbitrary or unreasonable hardship if not granted a temporary variance from the special waste manifest requirements of Chapter 9.

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

ORDER

1. Petitioner Wagner Castings Company is granted a variance from Rules 301 and 501 of Chapter 9: Special Waste Hauling Regulations, subject to the conditions 3 through 8 below.
2. Petitioner-intervenor Charles Rhodes d/b/a Rhodes Landfill is granted a variance from Rules 302 and 501 of Chapter 9: Special Waste Hauling Regulations, subject to conditions 3 through 6 and 9.
3. This variance will expire on September 4, 1985.
4. This variance shall apply only to foundry sand and sludge from wet dust collectors generated by Wagner Castings Company's Decatur foundry operations hauled in trucks belonging to Wagner Castings Company.
5. Petitioners shall comply fully with the requirements of Chapter 9 for any other special waste generated, transported, stored, treated or disposed of.
6. Within thirty days of the date of this Order Petitioners shall apply to the Environmental Protection Agency for any and all necessary permits or permit modifications. Petitioners shall diligently pursue any such application processes until a permit is issued or finally denied. This variance shall not be construed as a variance from any permit requirement.
7. On or before February 1, 1985 Wagner Casting Company shall submit to the Agency a detailed study, including cost estimates, of the feasibility of separation and separate disposal of the core and molding sand. It shall also submit a study, including costs, of the technical and economic feasibility of reclaiming the core sand and the molding sand.
8. Within forty-five days of the date of this Order, Petitioner Wagner Castings Company 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 80-93, hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED _____

TITLE _____

DATE _____

- 9. Within forty-five days of the date of this Order, Petitioner Charles Rhodes, d/b/a Rhodes Landfill, 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 80-93, hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED _____

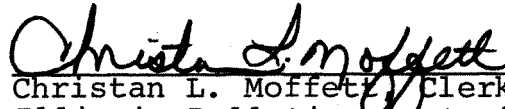
TITLE _____

DATE _____

- 10. The Environmental Protection Agency shall by permit condition specify alternative reporting and other requirements in lieu of those presently required by Rule 501.

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 4th day of September, 1980 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board