

ILLINOIS POLLUTION CONTROL BOARD
January 3, 1975

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| WIRCO CASTINGS, INC., |) | |
| Petitioner, |) | |
| |) | |
| v. |) | PCB 74-266 |
| |) | |
| ENVIRONMENTAL PROTECTION AGENCY, |) | |
| Respondent, |) | |

Mr. Everett C. Hart, General Manager of Wirco Castings, appeared on behalf of Petitioner;

Mr. Roger C. Zebintner, Esq., and Mr. Delbert Haschemeyer, Esq., appeared on behalf of the Environmental Protection Agency;

OPINION AND ORDER OF THE BOARD (by Mr. Dumelle):

This petition for variance was filed on July 11, 1974, requesting an extension of a previous variance granted by the Board on October 25, 1973 (PCB 73-281). A previous variance (PCB 73-4) had been granted on April 12, 1973.

An amendment to petition was filed on September 27, 1974 and a waiver of the 90-day period was filed on September 9, 1974. The waiver contained no deadline.

A hearing was held on October 24, 1974 at which the only witness was the General Manager of the Wirco Castings Company. Agency recommendations were filed on November 19, 1974 and December 2, 1974.

Wirco Castings Company, Inc. owns and operates a gray iron foundry located in New Athens, St. Clair County, Illinois. The foundry produces castings for the automotive and other industries. As part of its foundry operation, Wirco has a 20 ton Ajax induction furnace which must be shut down for repairs approximately 3 or 4 times yearly. Petitioner seeks variance to operate cupola furnace during periods when the induction furnace is being repaired. The cupola furnace is not in compliance with Rule 203(a) of the Air Pollution Regulations which is applicable in this case. Petitioner had mistakenly asked for a variance from Rule 203(b), but admitted at the hearing that 203(a) applies to this case (R. 37).

The economic hardship, which was a decisive factor in the original request for variance, has disappeared. While the company showed a loss of \$74,000 in 1971, and a profit of \$1940.59 in 1972, it showed a profit of over \$100,000 for 1973, and the mid-year statement for 1974, while not definitive, shows a substantial improvement over 1973. It is therefore incumbent on Petitioner to proceed with all diligence to come into compliance with the Board's Rules and Regulations.

We are therefore requiring Petitioner to submit a firm Compliance Program with the Agency.

Petitioner has requested 8 weeks or 56 days on which to operate the cupola furnace. The cupola is needed to provide hot metal to fill the "channel" in the electric induction furnace so that the eddy currents will be generated to melt metal. The Petition (Pet. 1) shows that during a period of about 9 months the cupola was operated for a total of 20 days while the induction furnace was being repaired. Projected for a year this could mean about 27 days. Petitioner was granted permission to operate the cupola 40 days a year on the last variance granted by the Board. At that time there was no firm commitment on the part of Petitioner for ultimate compliance, due primarily to financial condition of the Company.

However, with its vastly improved financial condition we are requiring a firm commitment on the purchase, installation and operation of a second induction furnace by January 31, 1977. This will eliminate the use of the cupola entirely, except for 3-5 days a year, for less than 8 hours a day.

We are granting a variance to allow the operation of the cupola for 30 days a year, 8 hours or less per day. This will allow Petitioner about 40 days per year for induction furnace maintenance, assuming the vacation period will be used for maintenance. This should be ample based on previous experience.

Petitioner has previously installed a scrubber (wetcap) and afterburner on the cupola furnace. It then abandoned operation of the cupola except as standby during repair of the newly installed induction furnace. With the installation of a second induction furnace, the cupola will only be operated for 3-5 days per year for less than 8 hours each day.

We are convinced that the elimination of the cupola operation entirely (3-5 day/yr) can be accelerated over the two years that Petitioner has proposed. This should be reflected in the compliance program.

We reject the Agency's recommendation that as a condition for granting of variance the Pollution Control Board order Petitioner to pay the regular wages to its employes in case the plant must be shut down because the cupola furnace is not permitted to operate (Agency Recommendation 6, 7, 8). This would constitute a penalty, which the Board cannot impose in a variance proceeding.

The Wirco plant is located 1/2 mile outside the limits of New Athens, St. Clair County, Illinois, a town of 2000 population. The nearest home is about 415 feet from the plant boundary and a total of six residences are within 2002 feet of the foundry (Pet. 4). In PCB 73-281, the Agency stated that, "The chances of Wirco creating a general pollution problem are very minimal" (Ex. 1 and R. 30). No evidence was introduced to indicate a change in this situation. There are no reports of any complaints.

Failure to carry out the compliance program will be taken into account in any subsequent request for future variances.

Mr. Henss dissents.

ORDER

It is the Order of the Pollution Control Board that a variance from Rule 203(a) of the Air Pollution Regulations be granted to Wirco Castings, Inc. for a period of one year from the date of this Order, subject to the following conditions:

1. Petitioner shall not operate its gray iron cupola furnace in excess of the following limitations:
 - A. The cupola furnace shall not be operated in excess of 30 days during the period of this variance;
 - B. During any one day of operation the cupola shall not exceed thirty (30) tons of molten metal.
 - C. The operation of the cupola furnace shall not have a metal rate that exceed 4 tons/hr.
2. Petitioner shall maintain and keep in good working order and operate during all times, when the cupola is operating, its afterburner and wetcap control devices on the cupola furnace.
3. Petitioner shall inform the Agency of the projected operation of the gray iron cupola furnace, in writing, at least 48-hours prior to the use of the gray iron cupola.

4. After each period of operation of Petitioner's cupola furnace, Petitioner shall supply to the Agency, in writing, 48-hours after each such period of operation the following information concerning its gray iron cupola:
 - A. The number of days during the period of operation that Petitioner operated its cupola.
 - B. The daily production of molten metal for each day Petitioner operated its gray iron cupola.
5. The gray iron cupola shall be operated only in accordance with Paragraph 1 of this Order, and then only when it is absolutely necessary that the induction furnace be shut down for repair. The cupola and induction furnace shall never be operated concurrently.
6. Within 30 days from the date of this Order, Petitioner shall file with the Agency a detailed compliance program which shall show compliance with Rule 203(a) by January 31, 1977, except for 3-5 days per year when the cupola furnace shall be used only for starting up an induction furnace, and by January 31, 1978 the cupola furnace shall no longer be used for any purpose. The compliance program shall show intermediate dates for accomplishing various phases of the work to be done. Petitioner shall make progress reports to the Agency every three months on work accomplished to complete the program.
7. Petitioner shall apply for all construction and operating permits necessary to accomplish its compliance program.

Mr. Henss dissented.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 3rd day of January, 1975 by a vote of 4-1.


Christan L. Moffett, Clerk
Illinois Pollution Control Board