

ILLINOIS POLLUTION CONTROL BOARD
January 17, 1974

FANSTEEL, INC.)
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)
 v.) PCB 73-423
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)
 ENVIRONMENTAL PROTECTION AGENCY)
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MR. LAWRENCE M. MAGES, GREENBERG, KEELEY, LUND AND ARONBERG,
appeared on behalf of Fansteel
MR. JOHN T. BERNBOM, ATTORNEY, ENFORCEMENT SERVICES SECTION,
DIVISION OF WATER POLLUTION CONTROL, appeared on behalf of
the Environmental Protection Agency.

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

Fansteel, Inc. ("Fansteel") filed a Petition for Extension of Variance granted by the Board in its October 31, 1972 Order, Environmental Protection Agency v. Fansteel, Inc., and the City of North Chicago, PCB 72-76 (6-79) on October 3, 1973. On October 26, 1973, Fansteel filed another Motion to Amend the Board's previous Order in PCB 72-76. On November 2, 1973, the Agency filed a Response to the Motion to Amend the Order. The Board denied the Motion to Amend its previous Order in PCB 72-76 and construed the Motion by Fansteel as a Petition for Variance on November 29, 1973. The Board ordered that the variance be considered without a Hearing. The Agency filed its Recommendation to grant the variance on December 19, 1973.

Fansteel seeks a variance from an Order issued by the Board in the prior enforcement case (PCB 72-76, October 31, 1972) which accepted a Stipulation which contained a program to bring Fansteel's facilities into compliance with applicable water pollution rules and regulations. Fansteel operates two facilities-- the North Plant and the South Plant--with completely separate liquid effluent discharges into the North Shore Sanitary District. The prior Order in the enforcement case required Fansteel to install equipment in the South Plant within 22 weeks of the date of the Board's Order which would allow discharge into the North Shore Sanitary District (District). The Agency states that Fansteel has completed the program in its South Plant and is currently discharging effluents in accordance with the Board's

Order and applicable rules and regulations.

The Board has previously required that Fansteel for its North Plant install equipment and discharge to the District within 26 weeks after obtaining the necessary installation permits from the Illinois Environmental Protection Agency but in no event later than October 31, 1973. It is for the North Plant that Fansteel is seeking a variance from the Board's Order.

Fansteel, at the time of the Board's Order of October 31, 1972, was working closely with Monsanto Enviro-Chem Systems, Inc. (Monsanto) to determine proper treatment procedures. Early in 1973, Monsanto informed Fansteel that it was withdrawing from the pollution control field. This necessitated Fansteel hiring a new consultant, Bataille Associates (Bataille). Bataille rejected Monsanto's preliminary proposals and undertook an extensive review of Fansteel's individual processes and their waste flows. As a result of Bataille's recommendations stemming from this review, Fansteel proceeded to control waste from 4 definable areas and has applied to the Environmental Protection Agency for the necessary installation permits. However, a major piece of control equipment which has been ordered is not readily available. This equipment delay will result in Fansteel seeking a variance until May 1, 1974 before it can completely treat cyanide waste which occur from its cleaning room activities. The equipment, a cyclone, will be delivered and installed by April 4, 1974. Waste from reduction furnaces, ammonia water, are dependent upon the installation of the above centrifuge. Waste from the cutoff solid removal area are scheduled to be fully treated by January 1, 1974. The wire drawing facility which produces cyanide waste, should be in compliance by January 14, 1974 when Fansteel will have an operation and evaporating process which will allow for the collection and disposal of cyanide by a licensed cyanide scavenger.

The Agency has stated that Fansteel's delay in compliance was caused by events beyond its control and recommends that the variance be granted because Fansteel is in substantial compliance with Board's previous Order in PCB 72-76. The Board finds that Fansteel is in substantial compliance with the Board's previous Order in PCB 72-76 (6-79).

The above Opinion constitutes the Board's findings of facts and conclusions of law.

ORDER

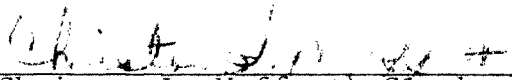
The Illinois Pollution Control Board hereby grants Fansteel, Inc. a variance from Order 2 of the Board's previous Order in

Environmental Protection Agency v. Fansteel, Inc. and City of North Chicago, PCB 72-76 (6-79) until May 1, 1974.

The control equipment required shall be installed and operative by May 1, 1974.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 17th day of January, 1974 by a vote of 3-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board