

ILLINOIS POLLUTION CONTROL BOARD
October 30, 1975

MIDWEST METALS, INC.)	
)	
Petitioner,)	
)	
)	
v.)	PCB 75-231
)	
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

MR. RONALD C. MOTTAZ, appeared on behalf of Petitioner;
MR. ROGER G. ZEHNTNER, appeared on behalf of the Respondent.

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

Petitioner filed a Petition for Variance on June 4, 1975 seeking a variance from Rule 103(a) and (b) of the Air Pollution Control Regulations (Air Rules). On June 6, 1975 the Board found the Petition to be inadequate and ordered Petitioner to amend its Petition. Petitioner filed an amended Variance Petition on August 18, 1975. The Agency filed a Recommendation to deny the variance on September 18, 1975. No hearing was held.

Petitioner operates a reclamation facility located in Madison County at 499 West St. Louis Avenue, in East Alton. A pyrolysis process is utilized to recover copper from used insulated copper wire. The process involves placing small pieces of copper wire into an air-tight vessel which is heated to approximately 800^oF and held at that temperature for two hours. Petitioner processes approximately 500 pounds of insulated copper wire per hour. In addition to copper, the process produces 83 pounds of primary oil, 7-1/2 pounds of secondary oil, 20 pounds of asphalt and 35 pounds of carbon per hour. Petitioner hopes to sell the oil and asphalt to local industry. The carbon will be disposed of at a licensed sanitary landfill.

Petitioner requests a variance from the permit requirements while it applies for and obtains and operating permit. Petitioner stated in the Amended Variance Petition that a grant of the variance would not affect the ambient air quality standards. Industrial Testings Laboratory, Inc., a consultant hired by Petitioner, stated that in their opinion the emissions complied with the

hydrocarbon standards found in Rule 205 of the Air Rules and, according to material balance calculations, complied with the particulate standards also.

The Agency stated that there had been two problems associated with Petitioner's facility during 1975 which were attributable to the processing of polyvinylchloride (PVC). Excessive odors were released on both days as a result of an explosion of the primary condenser and bypassing of the secondary condenser unit. In addition the Agency alleged that a violation of the hydrocarbon and particulate standards may be associated with Petitioner's facility. The majority of the points raised by Petitioner are in the nature of mitigating circumstances. For example, Petitioner stated that it was not aware of the construction permit requirement before it constructed the facility. While this is not a grounds for a variance it does tend to go to mitigation in the event that an enforcement case would be filed against Petitioner.

The Board finds that any hardship imposed on Petitioner is self-imposed in that Petitioner has the means to abate the violation solely by filing the required permit applications. Therefore the Board has determined not to grant a variance. In the event of a permit denial by the Agency, Petitioner would be free to challenge such denial through the permit appeal process or seek a variance from the applicable rules in question. In denying this variance we have not reached the issue of Petitioner's compliance with the Air Rules.

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

ORDER

Petitioner's request for a variance from Rules 103(a) and (b) of the Air Pollution Control Regulations is denied.

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 20th day of October, 1975 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board