ILLINOIS POLLUTION CONTROL BOARD March 7, 1972

CONSOLIDATED	ALUMINUM	COF	RPORATIC	N)))	#71-383
v.))	", T 300
ENVIRONMENTAL	PROTECTI	ON	AGENCY		,)	

OPINION AND ORDER OF THE BOARD (BY MR. LAWTON):

On June 23, 1971, a variance order was entered in favor of Phelps Dodge Aluminum Corporation, now Consolidated Aluminum Corporation, granting a variance until December 23, 1971 allowing petitioner to burn magnesium waste in the open, subject to the terms and conditions set forth in the order, #71-66. Petitioner, by this proceeding, seeks an additional six months in which to continue the open burning of magnesium chips, pending development and completion of a chip compacter which, if proven satisfactory, will enable the melting of pellets without the need for the burning of magnesium chips.

As stated in our earlier opinion, Petitioner's Madison, Illinois plant engages in casting, extruding and rolling of magnesium and aluminum mill grade products. Twenty million pounds of magnesium primary ingot are processed each year, generating between 150 to 250 pounds per day of magnesium fines and chips resulting from the sawing and machining operations. All reclamable fines and chips are remelted. However, some fines and chips contaminated with cutting oils and other organics are considered too hazardous to be handled in melting operations and must be disposed of by open burning. In granting the six-month variation, we directed petitioner to file with the Agency and the Board monthly reports indicating what steps it was pursuing to find alternative means of disposal to open burning.

In the present petition for variance, petitioner discusses in detail various alternatives that it has pursued including encapsulation, hauling, compaction by petitioner, digestion, extrusion and compaction by Diversified Industries. Encapsulation involves the mixing of magnesium chips with liquids that harden into a solid. This system has not reached a satisfactory point of development. Suitable arrangements for hauling have not been accomplished. Compaction with Diversified Industries contemplates a compacting system with magnesium chips and aluminum wire slugs which has not been developed. Digestion by petitioner using sodium chloride, iron chloride, sulfuric acid and tap water has not proven satisfactory, both from a cost and space viewpoint. Extrusion of chips through a die, at the present, has only been partially successful. Noise and possible damage to equipment caused a termination of this procedure.

The remaining alternative employed by Petitioner, whereby pellets are made by chip compaction, has proven satisfactory, and petitioner is optimistic that within the six-month period requested by this variance proceeding, it will have a satisfactory compaction program developed which will allow for the melting of pellets without the need for burning of magnesium chips. In the meantime, it intends to pursue the other alternatives considered, but believes that the compaction method will be the most likely to achieve results.

The Agency recommends that the variance be denied believing that petitioner has not made the degree of progress in this respect that it should have by this time. However, we note that in cases of this sort and comparable cases involving disposal of explosive wastes, the state of the arts is still in a highly developmental stage and we do not believe any useful purpose is served by insisting on immediate compliance with open burning regulations where the attributes of danger are obvious. See Environmental Protection Agency v. Olin Corporation, East Alton, Illinois, #70-11; and Olin Corporation v. Environmental Protection Agency, #70-25. Petitioner appears to have pursued a variety of alternative means of disposing of its magnesium chips and is embarking on a specific program that gives cause for optimism. We do not believe that under the circumstances, the variance should be denied. Clearly, the hardship on petitioner in demanding immediate compliance with the regulations is disproportionate with any benefit to the public in denying the allowance. Nothing in this or the former proceeding indicates that any burdens have been created upon adjacent properties or residents in the neighborhood.

This opinion constitutes the findings of fact and conclusions of law of the Board.

IT IS THE ORDER of the Pollution Control Board that variance previously granted in Case #71-66 be extended to June 23, 1972, during which time petitioner may burn magnesium waste in the open, subject to all terms and conditions set forth in the original order of variance, #71-66.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the above Opinion and Order was adopted on the 7 day of March, 1972, by a vote of 4-0

Christon Moffett