

ILLINOIS POLLUTION CONTROL BOARD

December 20, 1973

MIDWEST FREIGHT CAR COMPANY,)
)
 Petitioner,)
)
 v.) PCB 73-415
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Henss)

Petitioner operates a railroad freight car repair and remodeling business in Clinton, Illinois and contracted to modify 320 refrigerator cars into boxcars for Missouri-Pacific Railway Company. In the modification program a significant amount of material was removed from the refrigerator cars. Some of this was waste and has already been disposed of, but the Company still has on hand 800 doors, 4400 meat rails and 25 car sets of insulation. Petitioner states that the insulation will be disposed of as refuse, but that the doors and meat rails contain recyclable material which can be salvaged.

Petitioner proposes to salvage the steel by open burning the wood from the doors and meat rails. For this purpose Midwest requests a variance to allow open burning on its premises for a maximum of 90 days. Although the Petition did not specify from which Rule or Regulation relief was sought, we shall interpret the language to be a request for variance from Section 9(c) of the Environmental Protection Act and Rule 502 of the Open Burning Regulations.

Each of the 800 doors contains an estimated 30 lbs. of wood and 170 lbs. of steel. Each meat rail consists of a piece of wood about 2" x 3" x 20' which is secured to a 100 lb. piece of steel by steel brackets. Petitioner estimated total salvageable steel in the doors and meat rails to be about 5 carloads. The wood allegedly is free of any oil or petroleum by-products.

Petitioner stated that an extreme hardship will be forced on the Company if it is required to bury the doors and meat rails

since there are no approved landfill sites within 20 miles of Clinton. Petitioner felt the open burning would not "work a hardship" on the Clinton community since the burning could be completed within 90 days and it would be a "one-time type of thing". Midwest indicated that additional work of this nature is not scheduled and that it does not know of any possibility of doing such work in the foreseeable future.

An Agency representative visited the proposed burning site on October 1, 1973. Based on information obtained during the visit, the Agency estimated that 95.5 tons of waste material would be burned. The Agency calculated emissions from open burning or burning aided by an air curtain destructor as follows:

<u>Emission</u>	<u>Open Burning</u>	<u>Air Curtain Destructor</u>
Particulates	1,623.5 lbs.	440 lbs.
NO _x	191.0 lbs.	382. lbs.
CO	4,775.0 lbs.	Not available
Hydrocarbons	382.0 lbs.	23 lbs.

The Agency also claimed that galvanized metal would be included in the open burning and that this could release other contaminants into the atmosphere such as lead or cadmium. Galvanized steel is steel that has been coated with a layer of zinc. In the Illinois Institute for Environmental Quality document Health Effects and Recommendations for Atmospheric Lead, Cadmium, Mercury and Asbestos, it was reported that air pollution from cadmium emissions is mostly in the area around zinc refineries and smelters (P. 25). Cadmium is contained in water discharged by the electroplating industry. In salt water areas, there is cadmium dissolution from zinc galvanized pipes which are contaminated with cadmium in concentrations of 1% or more (P. 26). Apparently cadmium is contained in galvanized steel as an impurity in the zinc coating.

The report was less specific on the relationship of lead to galvanized metal.

The Agency did not elaborate on the possible release of lead or cadmium during the proposed open burning. Petitioner failed to even mention the possibility. While the Agency could have provided more information to sustain its statement, it was absolutely incumbent on Petitioner to provide a concise statement of any adverse effects the public might suffer because of the variance. The information contained in the IIEQ document certainly poses the possibility that cadmium could be released during open burning of

material which contains galvanized metal. We cannot accept the statement by Petitioner that the public would not suffer any adverse effects from the burning merely because the burning would be a one-time occurrence spread out over 90 days.

The Agency estimated that about 256 tons of steel could be realized from the salvage operation. We concur fully with Petitioner's belief that it would be a terrible waste of national resources to bury this much recyclable steel. One of Petitioner's employees informed the Agency that it would cost Petitioner \$5500 to dispose of the material at an approved landfill site. The value of the scrap steel was placed at \$11,545.

One obvious alternative to placing the material in a landfill or open burning as is, would be to separate the wood from the metal. The steel could be salvaged and, if a hardship is shown, the wood could be burned. Petitioner did not state whether this method had been considered. Also, we were not told whether an air curtain destructor is available.

Midwest is in the business of repairing and remodeling various kinds of freight cars and should be fully aware that the expense of proper disposal of waste materials must be borne as part of the cost of doing business. Environmental protection laws must be obeyed unless such laws are shown to create an unreasonable and arbitrary hardship. Petitioner has failed to fully consider the environmental impact of open burning in this case and has failed to prove that compliance with the law would create an unreasonable hardship. Therefore, the Petition for Variance is denied without prejudice.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 20th day of December, 1973 by a vote of 5 to 0.

Christan L. Moffett