

ILLINOIS POLLUTION CONTROL BOARD
July 18, 1996

OLIN ORDNANCE, MARION)	
OPERATIONS,)	
)	
Petitioner,)	PCB 97-16
)	(Provisional Variance - Air)
v.)	
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.A. Manning):

Pursuant to Section 35(b) of the Environmental Protection Act (Act) (415 ILCS 5/35(b)), Olin Ordnance, Marion Operations (Olin) has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow Olin to dispose of unstable military munition propellant by open burning at its facility. Such request for a provisional variance and the notification of recommendation was filed with the Board by the Agency on Wednesday, July 17, 1996. Pursuant to Section 35(b) of the Act, the Board must issue the variance within two (2) days of this filing.

Specifically, the Agency recommends that we grant Olin a 45-day provisional variance for its Williamson County facility from the open burning prohibition, as set forth in 35 Ill. Adm. Code 237.102(a). This variance period shall begin on the date when the petitioner begins open burning of the military munition propellant, and continue for a period not longer than 45 days.

Upon receipt of the request, the Agency issued its recommendation, notifying the Board that due to unforeseen, temporary, and uncontrollable circumstances, failure to grant the requested 45-day provisional variance would impose an arbitrary or unreasonable hardship on the petitioner.

Provisional variances are by their very nature temporary. The responsibilities of the Agency and the Board in these short-term provisional variances are different from the responsibilities in standard variances. (See 415 ILCS 5/35(b) & 36(c).) In provisional variances it is the responsibility of the Agency to make the technical determinations and finding of arbitrary or unreasonable hardship. The Board's responsibility is to adopt a formal order, to assure the formal maintenance of the record, to assure the enforceability of the variance, and to provide notification of the action by a press release.

Having received the Agency recommendation that a denial of the requested relief would impose an arbitrary or unreasonable hardship, the Board hereby grants the petitioner a provisional variance from 35 Ill. Adm. Code 237.102(a) for the 45 days, subject to the following conditions:

1. The term of this provisional variance shall commence on the date when the petitioner begins open burning of the military munition propellant, and continue for a period not longer than 45 days;
2. Olin shall weigh and record all materials to be burned. A compilation of these records shall be submitted to the Agency after the open burning of the propellant has been completed. This report should be addressed as follows:

Mr. John Justice, Regional Manager
Illinois Environmental Protection Agency
Bureau of Air
Compliance Assurance Section
2009 Mall Street
Collinsville, IL 62234

These records shall be available for Agency inspection at all times when petitioner is in operation;

3. Olin shall notify the Agency, local fire department, and the county forestry service of the exact date and time when the proposed burning will occur, at least twenty-four hours in advance of when it is intended to occur. Open burning shall take place on calm, clear days during daylight hours on which wind velocity is greater than two miles per hour but less than ten miles per hour;
4. Olin shall comply with all applicable RCRA requirements and promptly clean up and dispose of any ash after every burn;
5. Open burning shall at all times be supervised. Olin shall train its employees in the proper procedures to be followed regarding the open burning. Olin shall have fire prevention plans and equipment ready and in place at the facility prior to the first burn; and
6. Olin shall notify the surrounding community, prior to the first burn, that there will be periodic open burning. This notification shall include a telephone number for nearby residents to call in event of any complaints. Any complaints shall be forwarded to the regional office in Collinsville within 24 hours. A copy of the notification shall be sent to the Agency.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the _____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board