

ILLINOIS POLLUTION CONTROL BOARD

July 26, 2001

PLEXUS SCIENTIFIC CORPORATION,)	
)	
Petitioner,)	
)	
v.)	PCB 01-120
)	(Air – Variance)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

SUPPLEMENTAL OPINION AND ORDER OF THE BOARD (by R. C. Flegal):

In its July 12, 2001 opinion and order, the Board granted a five-year variance to Plexus Scientific Corporation (Plexus) to open burn or “flash” explosive-contaminated buildings, process equipment, and brush at the former Joliet Army Ammunition Plant (JOAAP) site in Will County. The Board had expedited its consideration at the parties’ request consistent with its April 5, 2001 order.

The variance included conditions requiring pre-burn removal of lead-based paint from buildings and management of ash resulting from the burns. See conditions. The Board today strikes conditions 3(b)(5) and 3(d) as contained in the Board’s July 12, 2001 order as unnecessary. The Board finds, as suggested by the parties at hearing, that these two issues are adequately addressed by inclusion of the substance of the conditions in Plexus’ work plan. See Tr. at 18-23, Ex. CC, DD, and EE. Additionally, the Board will amend condition 3(a)(4) to allow for an increase of square footage flashed, provided that the total emissions of volatile organic material (VOM) is not increased beyond 15 tons per year, again as agreed to by the parties at hearing. See Tr. at 22-23 and Ex. EE.

For the parties’ convenience, the order containing these modifications is set forth in its entirety below. Additionally, the order has been renumbered for greater clarity and ease of citation to particular provisions, and other minor typographical and grammatical corrections have been made to enhance readability.

This supplemental opinion constitutes the Board’s supplemental findings of fact and conclusions of law in this matter.

ORDER

1. The Board grants Plexus Scientific Corporation (Plexus) a variance from 35 Ill. Adm. Code 237.102, to allow it to conduct open burning/flashing to decontaminate explosive

material on buildings and process equipment and clear vegetation at the Load/Assembly/Package area, and potentially the Manufacturing area of the Joliet Army Ammunition Plant (JOAPP) site in Will County, Illinois.

2. This variance is in effect for five years from the date of this order, or until Plexus completes the open burning/flashing in accordance with this variance, whichever occurs first.
3. This variance is subject to the following conditions:

a. General Conditions:

(1)Variance is granted only from 35 Ill. Adm. Code 237.102 and 237.103. Plexus must comply with all other applicable requirements, including those in the waste disposal rules at 35 Ill. Adm. Code Subtitle G, the Environmental Protection Act (Act) and the federal Clean Air Act, 42 U.S.C.7401 *et seq.*

(2)Complaints:

- (a) If Plexus or the Agency receives any complaint that the activities authorized by this variance are causing air pollution (as defined in Section 3.02 of the Act, 415 ILCS 5/3.02 (2000)), Plexus must not initiate any new burning/flashing until the Illinois Environmental Protection Agency (Agency) has given written authorization that Plexus may proceed. This written authorization must be received within five working days from the Agency's receipt of the complaint.
- (b) If Plexus or the United States Army Operations Support Command (Army) receives a complaint, or any other person notifies Plexus of a complaint, Plexus must notify the Agency within 12 hours.
- (c) If the Agency receives a complaint, or the Board or another person notifies the Agency of a complaint, the Agency must notify Plexus within 12 hours.
- (d) Plexus and the Agency must evaluate the complaint to determine whether any action can and should be taken by Plexus to minimize the effect complained of in subsequent burns.

(3)Plexus is prohibited from burning any pressure treated wood or flashing any

areas of any buildings that contain lead shielding.

(4) Plexus is limited to flashing 392,000 ft² per year and causing emissions of less than 15 TPY VOM. The total square footage may be increased, if vegetation is burned, so long as the total VOM emissions are less than 15 TYP. An emission factor of 28.8 lbs. VOM/acre shall be used for determining emissions from the burning of brush/vegetation.

(5) Plexus is prohibited from burning refuse, including empty paint cans and other debris that are not likely to be contaminated with explosive residue.

b. Pre-Burn Activities:

(1) As the site evaluation cannot be completed until after Plexus is awarded the funds that become available for a particular parcel, Plexus must notify the Agency within 14 days after it receives notice of funding of its intent to conduct the survey and expected completion date for a particular site.

(2) Upon completion of the site survey, Plexus must provide a copy to the Agency detailing the explosive risk associated with the structures on the particular site equivalent to Pet. Exhibits G and H within 30 days of completing the survey. In addition to the above information, the following must be included:

(a) An estimate of the emissions of criteria pollutants;

(b) For structures: the name of the building and a description of any distinguishing features, including the number of levels and square footage; and

(c) For those areas where the material to be burned is brush, a map of the area to be burned, the estimated square footage, and a narrative stating why this particular area merits flashing.

(3) The Agency has 30 days from the date of submission to review the information contained in the site survey. If the Agency has any comments or questions, it must notify Plexus in writing within those 30 days. Plexus and Agency personnel must review those comments or questions and work to resolve any outstanding issues.

(4) Plexus must create suitable firebreaks around the buildings and/or land

areas being flashed.

- (5) Plexus must remove and properly dispose of as much of the friable and non-friable asbestos from any applicable structure as can safely be accomplished, even if such structure is not intended to be flashed. This includes any such asbestos occurring within 10 feet on a connecting or nearby structure, *e.g.*, conveyor. Plexus must remove and dispose of the asbestos in accordance with the requirements of 40 C.F.R. 61.145 through 61.149, and any other applicable State and federal requirements. Plexus must not burn/flash asbestos.
- (6) Hazardous substances, including mercury, PCBs, radioactive material, fluorescent lamps, mercury vapor lights, light ballasts, and unexploded ordnance in buildings and structures must be removed prior to flashing and properly disposed.

c. Open Burning/Flashing of Building Equipment and Structures

(1) Notifications:

- (a) At least 14 days before any burn, Plexus must notify, in writing, the Agency, and the surrounding communities of Elwood and Wilmington, of the building, or site (in the case of land clearing) that it plans to flash, the date, and location of the building or site. The notification to the Agency must state that Plexus has completed its pre-burn activities as detailed in paragraph 3(b) of this order.
- (b) At least 24 hours before any burn, Plexus must notify, in writing, the Prairie Supervisor of Midewin National Tallgrass Prairie of the building, or site (in the case of land clearing) that it plans to flash, the date, and the location of the building or site at:

Fax Number: (815) 423-6376
 Phone Number: (815) 423-6370
 30071 S. State Rte. 53
 Wilmington, Illinois 60481
- (c) Plexus must notify by telephone on the day of the scheduled burn, but no less than one hour before initiation of the flash, the fire departments of Wilmington and Elwood at the following non-emergency telephone numbers:

Elwood Fire Department (815) 423-5224

Wilmington Fire Department (815) 476-2121

- (2) The open burning site must be established on a cleared area and access by unauthorized personnel must be adequately restricted.
- (3) Plexus is solely responsible for providing adequate fire protection and such equipment as is necessary to control the fire. Open burning must be conducted with appropriate safety considerations.
- (4) Flashing is limited to buildings, structures, and process equipment on sites that have evidence of contamination of explosive waste on L1, L7, L8, L9, L10, L14, L15, L16, L17, L18, L19, and M6, and brush or concrete on L1, L2, L3, L11, and L34 that may contain unexploded ordinance or explosive waste contamination.
- (5) Plexus must only use the materials, as described in the petition, to initiate the flash: wood pallets, oak boxes, straw, and virgin No. 2 fuel oil.
- (6) Open burning must be initiated no earlier than 10 a.m. and no later than 2 p.m. central daylight time. Most material will have been “flashed” before dusk. To flash after 2 p.m., Plexus must obtain approval from either Robert Swinford or Terry Sweitzer, or their designees at the Agency, at the phone number listed in paragraph 3(c)(10) of this order to ensure that adequate dispersion will occur.
- (7) Open burning must be conducted in such a manner as to not create a visibility hazard on roadways, railroad tracks or airfields.
- (8) Open burning must be conducted only when the wind velocity exceeds 5 mph and is less than 14 mph.
- (9) Open burning must not be conducted under the following weather conditions:
 - (a) During electrical storms, thunderstorms, or during periods of forecasted high probability (50% or greater) as given by the local/National Weather Service (NWS).
 - (b) During periods of precipitation or high probability (75% or greater) as given by NWS.

- (c) During periods of reduced visibility (less than one mile).
 - (d) When estimated cloud cover is greater than 80% and the cloud ceiling is estimated as less than 2000 feet.
- (10) Open burning must not be conducted during ozone action, advisory or alert days, as determined by contacting Terry Sweitzer, Manager of the Agency's Air Monitoring Section, at (217) 782-7438.
- (11) Agency personnel may witness burns. The Agency will notify Plexus of any request to do so at least 24 hours in advance of the scheduled burn to make appropriate arrangements.

d. Records and Reports

- (1) All notifications required by this order must be sent both to the Compliance Unit and to the Agency's Field Office at the following addresses:
- Bureau of Air – Compliance Unit
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
- Anju Bhatia
Bureau of Air
Illinois Environmental Protection Agency
9511 W. Harrison
Des Plaines, Illinois 60016
- (2) Plexus must maintain records documenting the activities required by paragraphs 3(b)(1-6) of this order.
- (3) For each burn, Plexus must record the following:
- (a) Date and time;
 - (b) Weather conditions including wind speed, precipitation, visibility, and cloud cover;
 - (c) Square footage and estimated emissions, and

- (d) For each building and for each burn at that building, the amount of material loaded (*e.g.*, number of pallets, tons of straw, and gallons of virgin No. 2 fuel oil) and estimated pounds of TNT.
- (4) For LBP waste, if it is determined to be non-hazardous special waste, documentation of the certification pursuant to Section 22.48 of the Act. 415 ILCS 5/22.48 (2000).
- (5) Within 45 days after the completion of open burning/flashing any site, *e.g.*, L7, Plexus must furnish the Agency a copy of a post-burn report similar in content to that provided in Petitioner's Exhibit K – Completion Report. In addition to the information included in Exhibit K, the post-burn report must include a summary of the information recorded as required by paragraphs 3(e)(1-5) of this order.
- (6) Plexus must notify the Agency once all open burning has been completed at each site and when the project is completed.

IT IS SO ORDERED.

Board Member S.T. Lawton, Jr. abstained.

This variance is not binding on Plexus Scientific Corporation (Plexus) “until the executed certificate is filed with the Board and served on the Agency.” 35 Ill. Adm. Code 104.240. “Failure to timely file the executed certificate with the Board and serve the Agency renders the variance void.” *Id.* However, the time period for filing and service will be held in abeyance during any appeal of the Board's decision or any review of a motion to reconsider.

If Plexus chooses to accept this variance, it must execute a Certificate of Acceptance of all terms and conditions of the variance. Plexus must, within 45 days after the date of the above order, file the executed certificate with the Clerk of the Board and serve the Agency at the following respective addresses:

Pollution Control Board
Attention: Clerk of the Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601-3218

Rachel L. Doctors
Division of Legal Counsel

Illinois Environmental Protection Agency
P.O. Box 19276
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

The form of the Certificate of Acceptance is as follows:

CERTIFICATE OF ACCEPTANCE

Plexus Scientific Corporation accepts and agrees to be bound by all terms and conditions of the Pollution Control Board's orders of July 12 & 26, 2001 in PCB 01-120.

Petitioner

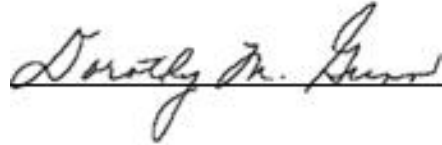
Authorized Agent

Title

Date

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (2000)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.520, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above supplemented opinion and order was adopted on the 26th day of July 2001 by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board