ILLINOIS POLLUTION CONTROL BOARD April 14, 1971

E.I. DU PONT DE NEMOURS & CO.

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71-9

ENVIRONMENTAL PROTECTION AGENCY

Opinion of the Board (by Mr. Currie):

DuPont manufactures explosives three miles from Seneca, Illinois (see EPA recommendation, p. 1). Explosive wastes generated in its operations, including boxes in which explosives have been stored and damaged primers (R. 9), have been disposed of by open burning. The company asks extension of a variance that expired in December, 1970, to continue burning these wastes until June 30, 1971, when it will have ceased the manufacture of primers and therefore the need for further burning (R. 11-12). We grant the extension.

Open burning is generally forbidden, but the statute recognizes that in some cases alternative methods of disposing of explosive wastes would create a safety hazard sufficient to justify open burning (Environmental Protection Act, section 9(c)). We have granted similar applications in the past, conditioned on vigorous efforts to discover alternative methods. E.g., Olin Corp. v. EPA, # 70-11 (Oct. 22, 1970). In Olin's case considerable progress has been made; in renewing that variance we were able to require the reduction of open burning upon installation of newly developed technology for abating emissions. Olin Corp. v. EPA, # 71-7 (March 3, 1971). Consequently in the present case the hearing officer carefully explored the question whether this new technology could be employed under the conditions of DuPont's operations. The answer, concurred in by both the company's expert and by the EPA's, was that it could not be and that there was no safe alternative to open burning in this case (R. 17-18). To deny the variance thus would create a substantial risk of explosion.

The proposed open burning will be relatively innocuous. The EPA testified that burning would take place in an isolated area so remote that no one would know it was taking place (R. 17). The nearest buildings other than DuPont's own are 2000 feet away (R. 6-7). The contaminants produced are mostly carbon dioxide, nitrogen, and water, with some light smoke, and perhaps small amounts of nitrogen oxides and carbon monoxide (R. 13-14, 20). The EPA

is convinced there will be no nuisance and no odors (R. 21-22). The burning will take place for one hour each week (R. 16) under favorable wind conditions (R. 23) 300 pounds of materials per week are expected to be burned (R. 16). There have been no complaints about this burning in the past (R. 7, 25). DuPont has agreed to stop using fuel oil to ignite the wastes (R. 13).

To deny the variance would impose an arbitrary or unreasonable hardship. The variance will be granted upon conditions stated in the order.

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

ORDER

1. E.I. DuPont DeNemours & Co. is hereby granted an extension of its variance to burn in the open not more than 300 pounds per week of wastes contaminated with explosives, at the burning site described in the record, until June 30, 1971.

2. No burning shall take place after June 30, 1971.

3. No fuel oil or other smoky material shall be used in connection with this burning.

I, Regina E.	Ryan, certify that	the Board	adopted and	approved
this opinion	by the Board this	14	day of	April ,
1971.		$\langle \rangle$		>
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