

ILLINOIS POLLUTION CONTROL BOARD
January 10, 1980

OLIN CORPORATION,)
)
 Petitioner,)
)
 v.) PCB 79-234
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

OPINION OF THE BOARD (by Dr. Satchell):

This matter comes before the Board upon variance petition filed November 8, 1979 by Olin Corporation (Olin) a Virginia corporation. The petition requests a variance from Rules 104, 203(e) and 206(b) of Chapter 2: Air Pollution Control Regulations. The requested variance from the particulate and carbon monoxide emission standards would allow operation, without a compliance program, of two small explosive waste incinerators near Marion, Williamson County. These incinerators are the subject of a proposed site-specific regulation before the Board in R78-9. In an Order entered December 13, 1979 the Board proposed to grant Olin a site-specific rule change. This variance would allow interim operation. Olin has received similar variances in the past, the last of which expired July 1, 1979 (PCB 78-242, 32 PCB 169, November 30, 1978). The Board takes official notice of the record in those proceedings. The Environmental Protection Agency (Agency) filed a recommendation on December 13, 1979. At a recent hearing in R78-9 the Agency agreed to expedited consideration of this petition since there is a safety hazard involved in accumulating explosive waste. On December 13, 1979 the Board entered an Order granting Olin the requested variance with conditions.

The details of the incinerators and their effect on air quality are discussed in the Opinion in R78-9 and will not be repeated here. The Board finds that it would be an arbitrary and unreasonable hardship not to allow Olin to operate the incinerators during the notice and comment period. A hearing recently held in the regulatory proceeding produced no adverse comment and the Agency has received no public comment on the variance request.

The conditions of the variance are similar to those recommended by the Agency and follow the conditions of the proposed site-specific Rule 203(e)(6). The Agency recommended limiting the operating rate of the incinerators. However, there is no basis in the record for the numbers chosen. The Board has instead

limited the hours of operation in both the variance and the Proposed Order. The Agency also asked that Olin be ordered to comply with Chapter 9: Special Waste Handling Regulations. This condition has been omitted since there is no indication that Olin is not in compliance. Olin will be subject to the applicable provisions of Chapter 9 regardless of this variance.

The Agency believes the variance is approvable as a revision to the State Implementation Plan (SIP). The Agency requests a public hearing to afford citizens an opportunity to object and to meet the provisions of §110 of the Clean Air Act. Although there has been ample opportunity for objection in R78-9 and pursuant to the Agency's advertisement for comments to the variance request under Procedural Rule 403(b), the Board agrees that technical compliance with the notice requirements of the Clean Air Act may be necessary for SIP approval. Rather than delay grant of the variance the Board has made this hearing a condition. In the event there is public objection, the variance will expire six weeks after the hearing. In this case Olin may file a new variance petition or request reconsideration under Procedural Rule 334.

This Opinion, together with the Board's Order of December 13, 1979, constitute the Board's findings of fact and conclusions of law in this matter.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion was adopted on the 10th day of January, 1980 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board