

ILLINOIS POLLUTION CONTROL BOARD  
October 18, 1979

DEPARTMENT OF THE ARMY, )  
SAVANNA ARMY DEPOT, )  
 )  
Petitioner, )  
 )  
v. ) PCB 79-183  
 )  
ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Respondent. )

OPINION OF THE BOARD (by Dr. Satchell):

This matter comes before the Board upon a petition for variance filed August 31, 1979 by Petitioner, Department of the Army, Savanna Army Depot. The petition requests, apparently pursuant to Rule 505, a variance from Rules 202(b) and 502(a) of Chapter 2: Air Pollution. Rule 202(b) proscribes emission of smoke or other particulate matter with opacity greater than 30%. Rule 502(a) proscribes open burning, while Rule 505 provides an exception for explosive waste burned pursuant to a variance. Petitioner waived its right to a hearing and requested expedited consideration, alleging an emergency. On September 27, 1979 the Environmental Protection Agency (Agency) recommended grant of the variance with certain conditions. On October 4, 1979 the Board entered an Order granting the variance subject to similar conditions.

Some confusion has arisen concerning the interplay of the air pollution rules concerning open burning. The petition made no reference to Rule 505 but requested only a variance from the emission limits and general rule against open burning. The Agency recommended a variance from Rule 505, which provides: "Open burning of wastes creating a hazard of explosion, fire, or other serious harm, unless authorized by other provisions in this Part, shall be permitted only upon application for and grant of a variance . . ." A variance from Rule 505 would allow open burning of explosive waste without a variance. To avoid this absurd result, the better view is that Rule 505 is a procedural rule which sets forth the method by which one obtains, through the variance procedure, permission to destroy explosive waste in violation of substantive rules. The variance should therefore be granted from the emission standards and open burning rule and not Rule 505. To the extent that this contradicts previous Board opinions, they are overruled. (International Minerals and Chemicals Corporation v. EPA, PCB 79-150, Opinion of September 20, 1979.)

The petition requested a variance to burn 1800 pounds of M2 explosive propellant with an unknown stabilizer content. M2 explosive propellant consists largely of nitrocellulose and nitroglycerin with barium and potassium nitrates, graphite and ethyl centralide stabilizer. As the propellant ages it deteriorates and the stabilizer content decreases. The stabilizer content is used to judge the safety. When the propellant is accepted from the manufacturer it is assigned a lot number and the stabilizer content is monitored by lot. The 1800 pounds involved here has been issued to military units and returned unused. Several lots may have been commingled and the lot identifications have been lost. The stabilizer content is unknown and the ordnance could pose an immediate threat to life or property. It therefore requires prompt destruction.


Petitioner previously had a variance which expired July 1, 1979 and which permitted open burning of such materials (29 PCB 359). A request for a similar variance is presently pending before the Board in Department of the Army, Savanna Army Depot v. EPA, PCB 79-108. Among the issues in that proceeding is the timetable for construction at the depot of an explosive waste incinerator with emission controls. However, this device could not be constructed in time to provide immediate destruction of the 1800 pounds of M2 explosive propellant. This variance was restricted to open burning of this one lot and does not affect the other proceeding.

The Depot is located in Carroll County in an attainment area for primary standards for total suspended particulates and sulfur dioxide. The nearest residence is 3.5 miles away and the nearest air monitoring station is 9.0 miles away in Galena. The Agency estimated that the burning will produce 5.2 pounds of particulates. There is no reliable basis for estimating other emissions. The Agency agreed that the damage to the environment is clearly outweighed by the threat to life and property. The Agency considers the emissions de minimus and will not submit the Order to the U. S. Environmental Protection Agency as an amendment to the State Implementation Plan.

The Board required the burning to be properly carried out and supervised. Petitioner was required to notify the Agency the day before the burning and the Agency was given the right to postpone the burning because of weather conditions or ambient air quality. The petition and Agency recommendation specified no expiration date. The variance will expire whenever the 1800 pounds is destroyed but in any event by October 4, 1980.

This Opinion, supporting the Board's Order of October 4, 1979, constitutes 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 18<sup>th</sup> day of October, 1979 by a vote of 4-0.

  
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Christan L. Moffett Clerk  
Illinois Pollution Control Board