

ILLINOIS POLLUTION CONTROL BOARD
March 7, 1972

E. I. DuPONT deNEMOURS & COMPANY)
)
) #72-6
 v.)
)
 ENVIRONMENTAL PROTECTION AGENCY)

OPINION AND ORDER OF THE BOARD (BY MR. LAWTON):

Petition filed by E. I. DuPont deNemours & Company requests variance of the open burning regulations with respect to its Seneca, Illinois works, in order to dispose of six explosive magazines, one nitroglycerin manufacturing building and one TNT processing building. Petitioner represents that the burning will not require longer than eight hours, including extinguishment of embers, and smoke emissions will not exceed four hours duration. While the petition states that burning would be done during January or February "when there was snow cover on the ground providing minimum control risk" we assume that the failure to achieve such burning during these months will not make an appreciable difference.

Mechanical dismantling of the buildings is deemed impractical because of the high personnel risk associated with the use of tools and equipment on explosive-impregnated and coated structural members.

The facilities are located in a rural area with access to water from wells, ponds and the Illinois River. No residents live near the facilities.

The Environmental Protection Agency recommends the variance be granted providing burning take place only when the adjacent ground is covered with snow or soaked with water, that fire-fighting equipment sufficient to prevent spread of fires be held on stand-by, and burning be conducted only between the hours of 9:00 A.M. and 5:00 P.M. and only when atmospheric conditions are suitable for dispersion.

The Board has previously considered variance requests where explosive contaminated buildings were involved. See The Olin Corporation v. Environmental Protection Agency, #70-25. That explosive contaminated structures are not susceptible to closed burning is obvious. Nor can dismantling take place without danger to those involved in the dismantling operation. Insistence that the buildings remain in their present condition would create danger to trespassers and others and allow the possibility of fires being started by lightning or natural causes. Requiring compliance with the open burning regulations under circumstances such as are present here would be unreasonable. The hardship on petitioner is obvious.

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

IT IS THE ORDER of the Pollution Control Board that petitioner be allowed to dispose of six explosive magazines, one nitroglycerin manufacturing building and one TNT processing building by open burning, subject to the following terms and conditions:

1. Burning shall be conducted on a single episode basis between the hours of 9:00 A.M. and 5:00 P. M..
2. Such burning shall take place only when the ground is covered with snow and when adjacent areas have been adequately soaked with water.
3. Fire-fighting equipment sufficient to prevent spread of fires shall be present.
4. Burning shall take place only when atmospheric conditions are suitable for dispersion.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the above Opinion and Order was adopted on the 7th day of March, 1972, by a vote of 4-0.

