

ILLINOIS POLLUTION CONTROL BOARD
May 27, 1982

OLIN CORPORATION, a Virginia Corporation,)
)
) Petitioner,)
)
) v.) PCB 81-117
)
)
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by I. Goodman):

On April 19, 1982 Olin filed a letter with the Board requesting an additional two days to burn materials not listed in its August 17, 1981 variance petition or included in the variance granted by the Board on February 17, 1982. On April 29 the Board construed said letter as a motion pursuant to Procedural Rule 334(b)(1), and time was allotted for the Agency to respond. No ruling on the motion was made. Instead of a response, on May 13, 1982 the Agency filed a Motion to Reconsider that order. The Agency argued that Olin's letter could not constitute a motion, even by Board order, since it was not accompanied by an affidavit or proof of service. Nevertheless, the Agency admits that it received the same on April 16, 1982. The Agency's procedural arguments are frivolous; the Motion to Reconsider is denied. The Board will, however, use the information submitted therein to rule on the Rule 334(b)(1) motion.

The variance granted in this matter allowed Olin to openly burn buildings contaminated with explosive wastes, obsolete production equipment, and solid propellant and pyrotechnic materials. Olin now requests that it be allowed to burn approximately 20,000 pounds of explosive compositions discovered by an inventory subsequent to filing its petition in this matter. The materials to be burned were further identified by Olin in a letter sent to the Agency on April 22, 1982, which was included in the Agency's Motion to Reconsider. This information raises questions as to the environmental harm open burning these materials may cause and the appropriateness of the compliance plan formerly set out in the variance granted. Also the quantity of materials, almost double again that originally allowed, mandates that Olin prove anew its need for variance from Rule 502. The Rule 334(b)(1) motion is hereby denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 27th day of May, 1982 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board