

ILLINOIS POLLUTION CONTROL BOARD
September 20, 1984

OLIN CORPORATION,)
)
 Petitioner,)
)
 v.) PCB 84-69
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by J. Theodore Meyer):

On June 4, 1984, Olin Corporation (Olin) a foreign corporation authorized to do business in Illinois, filed a Petition for Variance from 35 Ill. Adm. Code 237.102 (formerly Rule 502 of Chapter 2: Air Pollution, Part V: Open Burning) which prohibits open burning. Hearing was waived by Petitioner (Pet. at 9), and because the rule for which variance is requested is not a part of the Illinois State Implementation Plan, hearing is not federally mandatory (Bd. Order of August 2, 1984). No hearing was held, and no public comments were received by the Board in this matter. The Illinois Environmental Protection Agency (Agency) filed its Recommendation on July 12, 1984, which recommends grant of variance (Rec. at 8).

Previously, Petitioner has received variances from the Board which allowed it to openly burn explosive wastes and allowed operation of explosive waste incinerators at this facility [PCB 71-60 (1971); PCB 71-371 (1972); PCB 71-517 (1973); PCB 79-234 (1980); PCB 81-117 (1982); PCB 83-102 (1983)]. The last variance petition granted on August 30, 1983 (PCB 83-102) with an August 31, 1984 expiration date, allowed activity similar to that involved in this Petition. According to the quarterly reports submitted thereunder and the Agency's Recommendation, Petitioner complied with the terms of that variance. Impact on the region's air quality during the term of that variance was not significant. Also of interest, the nearest resident, interviewed in June of 1984, stated that she had not experienced any problems from the open burning permitted under that variance (Rec. pg. 4). The principle difference between that variance and this Petition is that Olin is now requesting to burn kerosene as well as distillate oil. This should not significantly alter the impacts from those experienced during the last variance.

Petitioner operates an industrial facility leased from the U.S. government in a former U.S. Army ordnance plant near the

City of Marion, Williamson County, Illinois, where it manufactures ammunition and various propellant and pyrotechnic devices for the U.S. Department of Defense. The plant has estimated sales of \$35,000,000 for 1984, and employs 275 people. Along with the manufacturing facility, Olin operates a test firing range located nearby on approximately 290 acres of strip mine spoil lands. Olin requests a variance to allow open burning at this site for one year beginning September 1, 1984, in order to conduct tests required by the Defense Department to demonstrate the ability of the ammunition to ignite fuel in enemy military vehicles.

The tests involve firing small and medium caliber bullets into one-gallon fuel containers containing fuel oil or kerosene containing 0.25 percent maximum sulfur per shot. The amount of fuel involved is based on the testing done under a prior variance. At the most, ten shots (shots) will be conducted per day, and the time of actual open burning is anticipated to be five minutes per test (shot). No more than 250 gallons of fuel oil will be burned over the term of the variance (Pet. at pp. 1-3). As a result of the test firing and subsequent incidents of open burning of the fuel, small amounts of sulfur dioxide, nitrogen oxides, carbon monoxide, and total suspended particulates, will be emitted. Based on Petitioner's calculations, which were verified by the Agency, these emission amounts should not significantly impact the area's air quality, which is considered to be attainment for all four criteria pollutants (Pet. at pp. 3-8; Rec. at pp. 5-6). The nearest air monitoring station for sulfur dioxide is in Marion, Illinois, approximately five miles away, and the nearest for total suspended particulates is in Carbondale, Illinois, approximately 15 miles away. During the period of the last variance, no violations were recorded at either station (Rec. at p. 5).

In the past, Olin has actively pursued methods to eliminate open burning in treating explosive wastes, spending \$180,000 for air pollution control devices (i.e., its incinerator) since 1974. However, Petitioner alleges that it is not economically feasible to develop a facility for its test firings which would allow it to simulate actual field parameters. Petitioner has developed measures to minimize effects on human, plant and animal life during the periods of open burning (Pet. Ex. C and D). With its Recommendation, the Agency agreed that no other feasible method is available to conduct these ammunition tests (Rec. at 7). Furthermore, Petitioner avers and the Agency agrees that no compliance plan is required because when the test firing is stopped, compliance with the Board regulations is achieved (Rec. at 8).

The Board finds that given the insignificant emission amounts per test and the economic and technical difficulties in developing an alternative testing procedure not involving open burning,

variance can again be granted to Petitioner for one year. To insure protection of the surrounding environment and residents, the variance shall be conditioned, along with other items, to require cessation of the test firings upon notification or receipt of complaints from nearby citizens until meteorological conditions are such that the open burning will not constitute violation of Section 9(a) of the Act.

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

ORDER

Olin Corporation is granted variance from 35 Ill. Adm. Code 237.102 (formerly Rule 502 of Chapter 2) for a period not to exceed one year from the date of this order, subject to the following conditions:

1. The Olin Corporation shall conduct the open burning activities only in accordance with its Standard Operating Procedures.
2. Should Olin receive private complaints concerning its open burning practices, or should the Agency contact Olin concerning complaints it has received regarding the open burning which is the subject of this variance, Olin shall immediately discontinue testing until meteorological conditions are such that the open burning will not constitute a possible violation of Section 9(a) of the Act.
3. Olin shall keep available all records of the testing which will enable it to develop an ammunition testing procedure which does not constitute open burning as defined in the Act.
4. Petitioner shall submit quarterly reports of the testing to the Agency, the first such report due thirty (30) days from the date of the Board Order entered in this matter. Such reports shall be sent to:

Illinois Environmental Protection Agency
Division of Air Pollution Control
115A West Main Street
Collinsville, Illinois 62234

5. Within forty-five (45) days after the date of the Board Order the Petitioner shall execute and send to:

Mr. Joseph R. Podlewski, Jr.
Enforcement Attorney
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

a certification of acceptance of this Variance by which it agrees to be bound by its terms and conditions.

This forty-five (45) day period shall be held in abeyance for any period during which this matter is appealed. The form of the certification shall be as follows:

CERTIFICATION

I, (We), _____, having read the Order of the Illinois Pollution Control Board in PCB 84-69, dated _____, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner

By: Authorized Agent

Title

Date

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 20th day of September, 1984 by a vote of 6-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board