

ILLINOIS POLLUTION CONTROL BOARD
November 30, 1978

OLIN CORPORATION,)
)
 Petitioner,)
)
 v.) PCB 78-242
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

PATRICK O. BOYLE, ESQ., ATTORNEY AT LAW, APPEARED ON BEHALF OF THE PETITIONER.

REED W. NEUMAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

This matter comes before the Board upon a variance petition filed by Olin Corporation on September 1, 1978 requesting relief from Rules 104, 203(e) and 206(b) of the Chapter 2: Air Pollution Control Regulations for a period of five years. The Environmental Protection Agency (Agency) filed a recommendation on October 5, 1978. The Agency in recommending a grant of the variance also notes that a variance from Rule 103(b) of Chapter 2 is necessary. A hearing in this matter was held on November 2, 1978.

Olin manufactures explosive products and operates a pyro-technic destructor incinerator (destructor) and a retort destructor incinerator (retort) in Williamson County, near Marion, Illinois. Olin has been operating under a series of variances since January 1, 1974. The latest in this series was PCB 76-213, 24 PCB 339 (1976) granting Olin variance until December 6, 1978.

Petitioner uses the incinerators to burn explosives or explosive contaminated wastes and is unable to achieve compliance because both the destructor and retort require a large amount of excess combustion air to properly incinerate explosive wastes without resulting in an explosion. This firing method results in very little carbon dioxide in the source's emissions, but when the emissions are corrected to twelve per cent carbon dioxide, the emissions are apparently in excess of the allowable rates for particulates, and when the carbon monoxide emission rate is corrected to fifty per cent excess air the emission level is in excess of the allowable limits for carbon monoxide.

During the period of the last variance, PCB 76-213, both the destructor and the retort were operated below the maximum firing

rates allowed in the conditions of that variance. Condition 4 of that variance, requiring that the retort be operated no more than two hours in any one week, apparently was not met. The Agency states that this condition is not critical because the actual amount of waste destroyed in the retort during a year's time is below the allowed amount of 52,000 pounds. The other conditions of the variance were apparently met.

Petitioner has filed a proposal for a site specific rule change (R 78-9) to exempt the two sources from the provisions of Rules 103(b), 104, 203(e) and 206(b) of Chapter 2. The Agency is not presently aware of any control technology that would bring the two sources into compliance with the required standards. No objections to the variance had been received by the Agency at the time of the filing of the recommendation.

Dispersion estimates of the contaminants from each incinerator have been made (Pet. Ex. 4 at 7). These estimates indicate maximum concentrations under worst climactic conditions with a 5 m.p.h. wind will occur approximately 0.3 mile downwind from the stack. Maximum carbon monoxide concentration is estimated to be 0.82 ppm. National ambient air quality standards permit an 8 hour concentration of 9 ppm and an one hour concentration of 35 ppm. Maximum particulate concentration 0.3 mile downwind is estimated to be 25 micrograms per cubic meter and maximum concentration 0.6 mile downwind from the stack is estimated to be less than 10 micrograms per cubic meter. National primary air standards permit an annual geometric mean of 75 micrograms per cubic meter and a 24 hour concentration of 260 micrograms per cubic meter not to be exceeded more than once per year. Secondary ambient air quality standards for particulate matter are an annual geometric mean of 60 micrograms per cubic meter with a maximum 24 hour concentration of 150 micrograms. The incinerators are located in a strip mine spoil bank area with the nearest dwelling approximately 0.4 mile from the stack. The stack is located approximately two and three-fourths miles from the Marion air monitoring station. Because of the location and estimated dispersion pattern, Petitioner believes that operation of these incinerators will not prevent attainment of national ambient air quality standards or cause any harm to the public. Olin does have an Episode Action Plan which will be followed when notified of an air pollution episode. The Agency reports that Williamson County does not meet secondary National Ambient Air Standards for particulates and cannot presently be classified for carbon monoxide.

The Agency does recommend the grant of the variance to July 1, 1979 or until the Board adopts certain rule changes. The Board does find that Petitioner would suffer an arbitrary and unreasonable hardship if denied this variance. Petitioner's research has shown no better available technology (Pet. Ex. 4 at 4). The Agency does not dispute this. If the Board adopts the proposed regulation, R 78-9, Petition will be in compliance. This variance will be granted with conditions to meet the requirements of a delayed compliance order under the Clean Air Act. The Board notes that since Olin is not a major source (emissions over 100 tons per year) no warning of possible liability for non-compliance penalties is necessary. This variance will be granted to July 1, 1979 or the adoption by the Board of the site specific regulation, R 78-9, whichever occurs first. Considering that the economic impact study has not been completed, and after receipt of the study all the legal time requirements for notice and public comment required by the Environmental Protection Act, the Board's Procedural Rules and the Illinois Administrative Procedures Act, the Board notes it is highly unlikely that the regulatory proceeding, R 78-9, will be completed by July 1, 1979. However, the constraints of the Federal Clean Air Act give the Board no alternative concerning the July 1, 1979 termination of the variance.

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

ORDER

It is the Order of the Pollution Control Board that Olin Corporation is granted a variance from Rules 103(b), 104, 203(e), and 206(b) of the Chapter 2: Air Pollution Control Regulations for its pyrotechnic destructor incinerator and its retort destructor incinerator located in Williamson County, Illinois until the adoption of the site specific rule change R 78-9 or until July 1, 1979, whichever occurs sooner, subject to the following conditions:

1. That the Petitioner shall not operate its pyrotechnic destructor at a rate exceeding 400 pounds of scrap per hour, nor its retort incinerator at a rate of more than 500 pounds per hour.
2. Petitioner shall report monthly to the Agency the quantity of explosive wastes disposed of and the date and time of disposal.

- 3. Olin shall, within forty-five (45) days of the date of this Order, execute and send to John D. Williams, Technical Advisor, Enforcement Programs, 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 in which this matter is appealed. The form of said Certification shall be as follows:

CERTIFICATION

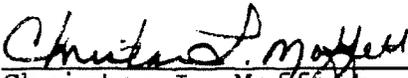
I (We), _____, having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 78-242 hereby accept the said Order and agree to be bound by all terms and conditions thereof.

SIGNED

TITLE

DATE

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 30th day of November, 1978 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board