

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF MADISON )

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

IN THE MATTER OF: )  
 ) NO: PCB-70-11  
Application for extension of )  
variance of OLIN CORPORATION, )  
East Alton, Illinois )

ORDER OF VARIANCE

On June 29, 1970, OLIN CORPORATION of East Alton, Illinois filed with the Air Pollution Control Board, a Petition requesting an extension of its existing variation, originally granted on May 18, 1967, to continue disposal of its explosive trade waste by open burning. The present variation expires October 22, 1970. The maximum period of time for which a variation can be granted, both under the former Illinois Air Pollution Control Act and the present Environmental Protection Act is one year.

Pursuant to the provisions of the Environmental Protection Act, the Environmental Protection Agency is obliged to make an investigation and recommendation to the Pollution Control Board relative to all variance applications. A recommendation by the Agency to allow the variance extension was received by the Board on September 18, 1970. Because of the short time remaining until the variation would become automatically granted by operation of law, and the desire on the part of the Board to be informed on the general problem of explosive waste disposal, the Chairman wrote to L. W. Maxson, Director, Engineering Services, Olin Brass, suggesting that a new Petition be filed in compliance with the present statutory provisions relative to variances, and further indicated that a Hearing thereon would be expedited. A new petition for variance extension was received by the Pollution Control Board on September 25, 1970.

Pursuant to notice, a Hearing was held on the new Petition for variance extension at the City Hall, Alton, Illinois, on October 15, 1970. Because a full opinion in this cause will be prepared by the Board in the near future, the details of the

testimony and evidence will not be set forth in this Order. The Board finds that the statutory provisions relating to arbitrary or unreasonable hardship as a consequence of compliance with Board regulations have been satisfied to the extent necessary to extend the variation for the period hereby allowed.

It is the Order of the Pollution Control Board that the existing variance heretofore granted to Olin Corporation permitting open burning of explosive trade waste be extended to February 22, 1971, subject to the following provisions and conditions:

1. Olin Corporation shall submit a monthly report, the first being no later than November 19, 1970, to the Pollution Control Board and the Environmental Protection Agency, specifying the nature, degree, extent and details of its open burning activities on the premises subject to the variation.

2. Olin Corporation shall submit a monthly report to the Pollution Control Board and the Environmental Protection Agency indicating what progress has been made relative to improved technology and new facilities enabling disposal of explosive wastes in compliance with statutory provisions and the relevant regulations. Such report shall further indicate what facilities Olin Corporation is employing or testing as well as all state of the arts advancements in the industry generally and under Federal government direction.

3. If the Environmental Protection Agency advises the Board that the open burning operation of explosive waste by Olin Corporation is producing an undue burden on adjacent neighboring areas, the Board shall make a determination as to whether the variance shall be terminated. Said determination shall be made only after a hearing on the matter is scheduled by the Board and held before a qualified hearing officer. Olin Corporation will be notified of the hearing date and shall be allowed to participate in said hearing. As a result of that hearing, the Board may terminate the variance granted herein before February 22, 1971.

4. The variation extension hereby granted shall terminate upon the establishment of alternative means of disposal of explosive waste, relative to all or any part of the Olin Corporation operation resulting from the availability of new technology and processes which would enable compliance with the relevant statutory provisions and regulations. Said determination shall be made only after a hearing on the matter is scheduled by the Board and held before a qualified hearing officer. Olin Corporation will be notified of the hearing date and shall be allowed to participate in said hearing. As a result of that hearing, the Board may terminate the variance granted herein before February 22, 1971.

5. A further hearing will be scheduled prior to the termination of the four-month extension period hereby granted for consideration of any further variance extensions, at which time it will be incumbent upon Olin Corporation to make a comprehensive

and extensive showing of all methods being presently employed by Olin Corporation, by the explosives industry generally and by the Federal Government, including those in the experimental stage, to abate or minimize air pollution as a consequence of the disposal of explosive trade waste.

The Environmental Protection Agency is requested to report to the Pollution Control Board at the earliest possible time what impact the open burning of explosive wastes by Olin Corporation has upon the surrounding and adjacent areas, with particular regard to what attitudes have been expressed by residential occupants in the immediate vicinity of the Olin Corporation operation.

IT IS ORDERED THAT:

Variance heretofore granted Olin Corporation, East Alton, Illinois (VR67-9), be extended to February 22, 1971, subject to all provisions and conditions above set forth.

I concur:

*David A. Carr*  
*Richard L. Smith*  
*James D. Sumelle*  
*Samuel P. Aldrich*  
*Edward R. Ryan*

I dissent:

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I, Regina E. Ryan, certify that the Board has adopted the above Opinion this 28 day of October, 1970.

*Regina E. Ryan*  
Regina E. Ryan  
Clerk of the Board