

ILLINOIS POLLUTION CONTROL BOARD
March 20, 1980

SAVANNA ARMY DEPOT,)
)
 Petitioner,)
)
 v.) PCB 79-109
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

This matter comes before the Board upon a variance petition filed May 18, 1980 by the Department of the Army, Savanna Army Depot Activity. An amended petition was filed on September 14, 1979. Petitioner requests, pursuant to Rule 505, a variance from Rules 202(b) and 502(a) of Chapter 2: Air Pollution Control Regulations. The variance would authorize open burning of explosive material at the Savanna Depot. On July 18, 1979 the Environmental Protection Agency (Agency) recommended denial, but on November 5, 1979 recommended that the variance be granted with conditions. Hearing was waived and no public comment has been received.

The Savanna Army Depot is situated on the Mississippi River, north of Savanna. The Depot is situated in Jo Daviess and Carroll Counties. The facility is used for storage of useable munitions and demilitarization of unserviceable munitions for the U. S. Department of Defense. The facility previously obtained a variance for open burning of explosive waste which expired July 1, 1979 (PCB 77-182, 29 PCB 359, March 16, 1978). On October 4, 1979 the Board granted Petitioner an emergency variance to burn 1800 pounds of M2 propellant (PCB 79-183, 35 PCB 497, 537).

Petitioner estimates that about seventy tons per year will require open burning in fiscal years 1979 through 1984. Forty-five tons were actually burned during 1978. Petitioner has reduced the amount burned from 1611 tons in 1975 and has installed a bag house costing \$100,000 to reduce emissions from its small arms deactivation furnace (Amended Pet. 3).

The Agency believes the proposed burning will result in emission of 0.0469 tons of particulates per year (Amended Rec. 3). Most of this results from contaminated wooden packing crates and not the explosives. The Agency also expects emissions of sulfur dioxide, nitrogen oxides, carbon monoxide and hydrocarbons but is

unable to estimate the amounts. Petitioner has recently installed two air quality monitoring stations at the Savanna Depot. These generally show compliance with National Ambient Air Quality Standards (NAAQS) during May and June of 1979 (Amended Pet.).

The Depot is situated in an attainment area for primary standards for total suspended particulates (TSP) and sulfur dioxide (Amended Rec. 6). It is not classified for nitrogen oxides, carbon monoxide and hydrocarbons. The nearest Agency reporting station is Galena, 9.0 miles north of the Depot. During 1978 it showed compliance with the primary NAAQS. The nearest residence is 3.5 miles from the burning grounds. There have been no complaints about the past burning (Amended Rec. 7).

The Agency believes grant of the variance will cause no violation of NAAQS. The Board finds that requiring immediate cessation of open burning would impose an arbitrary and unreasonable hardship on Petitioner. The variance will be submitted to the United States Environmental Protection Agency as a revision of the State Implementation Plan.

On March 30, 1979 the Department of the Army entered into a Federal Facility Compliance Agreement with the United States Environmental Protection Agency (USEPA) (Petition). This agreement provides for construction of an ammunition demilitarization facility with air quality control devices at the Savanna Depot. Petitioner estimates that the cost will be about \$26,000,000. Final design is to start in September, 1980 and be completed by July 1981. The construction award will be in September 1981 with construction completed by May 1984. Compliance is to be achieved by September 1984. The Army must submit a progress report to the Agency and USEPA within ten days of the date for achievement of each incremental step in the compliance schedule. The schedule is fixed and definite except to the extent the United States Congress may fail to approve budget and/or authorization requests.

The Agency is satisfied that with the proposed system the Depot will achieve compliance (Amended Rec. 6). However, the Agency believes Petitioner's proposed compliance schedule needs to be reevaluated to achieve compliance in a more expeditious manner and should not be dependent on Congressional approval. The Agency recommends that the variance expire on April 1, 1980 with periodic variances during the term of the construction.

The Board has reviewed Petitioner's compliance schedule and finds it satisfactory. The variance will expire on September 30, 1984. Petitioner will submit the progress reports required by the Federal Facility Compliance Agreement. Since there is a gap in the schedule of nearly three years during which no reports are due, the Board will also order quarterly progress reports detailing progress made on the compliance program and identifying the types and amounts of waste burned each day under this variance during the previous quarter. The parties are in agreement concerning the remaining conditions (Petitioner's Corrected Brief, 8; Amended Rec. 8).

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

ORDER

Petitioner, Department of the Army, Savanna Army Depot Activity, is granted a variance from Rules 202(b) and 502(a) of Chapter 2: Air Pollution Control Regulations, subject to the following conditions:

1. This variance will expire on September 30, 1984.
2. Petitioner shall burn explosives and explosive contaminated waste only. Petitioner shall take all reasonable steps to separate uncontaminated waste from explosive waste and avoid commingling of uncontaminated waste with explosive waste.
3. At all times during which open burning is being conducted, Petitioner shall have at least two trained persons on the site with adequate fire fighting capability to prevent the spread of the fire.
4. Local fire fighting authorities shall be notified prior to the commencement of open burning activities.
5. All open burning activities shall be conducted under the direction of personnel trained in explosive burning procedures.
6. Petitioner shall notify the Agency's Region I office in Maywood by telephone (312/345-9780) at least twenty-four hours in advance of any open burning.

- 8. Petitioner shall submit the reports required by the Federal Facilities Compliance Agreement and, in addition, on or before April 10, 1980 and every three months thereafter, Petitioner shall submit written reports to the Agency at:

Environmental Protection Agency
 Division of Air Pollution Control
 1701 South First Avenue, Suite 1205
 Maywood, Illinois 60153

The reports shall detail all progress made in pursuing Petitioner's compliance program and shall quantify the amounts and types of all materials burned on each specific day that open burning occurred during the reporting period.


- 9. Within forty-five days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period this matter is being appealed. The form of the Certificate shall be as follows:

CERTIFICATION

I, (We), _____, having read and fully understanding the Order in PCB 79-109, hereby accept that Order and agree to be bound by all of its terms and conditions.

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 20th day of March, 1980 by a vote of 4-0.



 Christan L. Moffett, Clerk
 Illinois Pollution Control Board