

ILLINOIS POLLUTION CONTROL BOARD  
August 11, 1994

IN THE MATTER OF: )  
 )  
PETITION OF THE RHÔNE-POULENC BASIN ) AS 94-7  
CHEMICAL COMPANY, THORN CREEK ) (Adjusted Standard)  
BASIN SANITARY DISTRICT FOR AN )  
ADJUSTED STANDARD FROM 35 ILL. ADM. )  
CODE 302.201 AND 304.105 )

SUPPLEMENTAL OPINION AND ORDER OF THE BOARD (by R.C. Flemal):

This matter comes before the Board on a July 27, 1994 joint motion for reconsideration filed by Rhône-Poulenc Basic Chemicals Company (Rhône-Poulenc), Thorn Creek Basin Sanitary District (TCBSD), and the Illinois Environmental Protection Agency (Agency) (collectively, "the parties"). The parties request the Board reconsider its June 23, 1994 order in this matter, particularly concerning the introductory paragraph of the order. The Board today grants reconsideration and modifies its order as discussed below.

In granting the adjusted standard, the Board provided relief to Rhône-Poulenc and TCBSD only from Section 304.105 and not from the water quality limits for TDS and sulfates set forth in 35 Ill. Adm. Code 302.208. The parties are correct that the Board's stated purpose for structuring the relief in that manner was to limit the relief to TCBSD and Rhône-Poulenc, that is, other dischargers would be required to meet the generally applicable TDS and sulfate standards. The parties agree that this purpose is appropriate, and do not believe that limiting the relief in this manner should cause federal concerns in that the relief is more limited than it would have been had the requested relief been granted as proposed. (Motion at 1.)

The parties are also correct that the Board also stated that it did not intend the relief granted to be more limiting upon TCBSD and Rhône-Poulenc than the relief requested, and that "TCBSD would have an exception to causing or contributing to water quality violations up to the concentration limits proposed." (opinion and order at 18-19.) The parties explain that the language of the order could be read in a manner that is more limiting than what was stated by the Board in the above quoted portion of the opinion. The Board's order states that Section 304.105 "does not apply to discharges from TCBSD's wastewater treatment plant \* \* \* for TDS or sulfate instream concentrations that are less than or equal to" certain specified limits. (opinion and order at 22.) The parties propose that read literally, if a discharger other than TCBSD or Rhône-Poulenc were to cause instream concentrations of TDS or sulfates to exceed the specified limits, the relief granted to TCBSD and

Rhône-Poulenc would cease, and TCBSD or Rhône-Poulenc could be enforced against for causing or contributing to the violation of the generally applicable water quality standards. The parties maintain that this inconsistency could be remedied, while retaining the Board's purpose in limiting the relief to TCBSD and Rhône-Poulenc, by amending the second sentence of the Board's order as follows:

Pursuant to this grant, 35 Ill. Adm. Code 304.105 does not apply to discharges from TCBSD's water treatment plant located at mile 10.1 of Thorn Creek as regards total dissolved solids (TDS) or sulfate provided that TCBSD's discharges do not cause or contribute to TDS or sulfate instream concentrations which are greater than: [the specified limits].

The Board agrees that the language suggested by the parties would effectuate the intent of the June 23, 1994 opinion and order and eliminate the problem concerning the scope of relief as expressed by the parties. Therefore, the Board grants the parties' request and modifies the June 23, 1994 order as recommended by the parties as follows:

ORDER

The Thorn Creek Basin Sanitary District (TCBSD) and Rhône-Poulenc Basic Chemicals Company (Rhône-Poulenc) are hereby granted a partial adjusted standard from 35 Ill. Adm. Code 304.105. Pursuant to this grant, 35 Ill. Adm. Code 304.105 does not apply to discharges from TCBSD's wastewater treatment plant located at mile 10.1 of Thorn Creek as regards total dissolved solids (TDS) or sulfate provided that TCBSD's discharges do not cause or contribute to TDS or sulfate instream concentrations that are greater than:

2,100 mg/L for TDS and 1,000 mg/L for sulfate  
in Thorn Creek from the TCBSD wastewater  
treatment plant discharge to the U.S.  
Geological (USGS) Survey Gaging Station  
05536275.

1,900 mg/L for TDS and 850 mg/L for sulfate  
in Thorn Creek from the USGS Gauging Station  
05536275 to Thorn Creek's confluence with the  
Little Calumet River.

1,700 mg/L for TDS and 750 mg/L for sulfate  
in the Little Calumet River from Thorn Creek  
to the Cal-Sag Channel.

This grant of adjusted standard is contingent upon each of the following conditions being met:

1. The adjusted standard is effective upon the commencement of operation of the silica production facility proposed by Rhône-Poulenc. Rhône-Poulenc shall provide the Agency notice of its decision to construct the silica production facility, and shall provide an expected timetable for completing construction of the silica facility to the Agency, as soon as this information is available to Rhône-Poulenc. Further, Rhône-Poulenc shall provide the Agency with notice of any production process changes or similar changes that eliminate the need for continued relief as soon as this information is available to Rhône-Poulenc.
2. The adjusted standard terminates in the event that production process changes or other similar changes occur that eliminate the need for continued adjusted standard relief. Relief will terminate upon filing of any such notice with the Board.
3. Until the monthly load limits described in condition 4, below, become effective, TDS discharges and sulfate discharges from Rhône-Poulenc's production facility may not exceed, on a monthly average basis, 91,800 pounds per day (lbs/day) and 62,100 lbs/day, respectively.
4. Rhône-Poulenc shall monitor its TDS and sulfate discharges to TCBSD seven days a week the first three years of operation of its silica production facility, and shall submit this information to the Agency at the end of the first three years of discharge from its silica production facility. At the discretion of the Agency, the recording of conductivity may satisfy this requirement two (2) days per week, if Rhône-Poulenc can document the relationship between TDS and conductivity and sulfate and conductivity. The Agency shall determine daily maximum load limits and adjust monthly average load limits for TDS and sulfate using the method described in the Agency's response to the adjusted standard petition of Rhône-Poulenc and TCBSD filed in AS 94-7. The Agency shall notify Rhône-Poulenc and TCBSD of these limits in writing. In addition to the load limits described in paragraph 3 of this adjusted standard, Rhône-Poulenc shall not exceed these daily maximum and monthly average load limits for TDS and sulfate once determined by the Agency.
5. Rhône-Poulenc and TCBSD shall perform a Macroinvertebrate Biotic Index (MBI) survey of Thorn Creek prior to Rhône-Poulenc discharging from its silica production facility to TCBSD. A second MBI survey shall be conducted twelve to twenty-four months after Rhône-Poulenc begins to discharge from its expanded facility. The second survey shall be

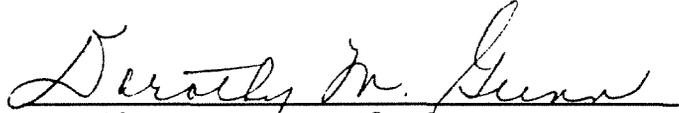
performed during the same month of the year as the first survey and use the same sampling locations as in the first survey so that a before-discharge and after-discharge comparison can be made of Thorn Creek. The results of these surveys must be submitted to the Agency within sixty (60) days of their completion.

6. Rhône-Poulenc shall obtain all required permits from the Agency prior to the start of operation of its silica production facility, including an Agency permit for the sewer connection of the silica production facility to TCBSD. The Agency shall revise TCBSD's National Pollutant Discharge Elimination System (NPDES) permit consistent with this adjusted standard, including such load limits and monitoring requirements as are required by this adjusted standard. Rhône-Poulenc and TCBSD shall perform all monitoring requirements for the discharge of TDS and sulfate, and monitoring of the water quality in Thorn Creek and the Little Calumet River, as may be required pursuant to TCBSD's NPDES permit.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1992) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above supplemental opinion and order was adopted on the 17<sup>th</sup> day of August, 1994, by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board