

ILLINOIS POLLUTION CONTROL BOARD
October 14, 1971

DEARBORN CHEMICAL DIVISION)
OF CHEMED CORPORATION)
)
) PCB 71-205
)
v.)
)
ENVIRONMENTAL PROTECTION AGENCY)

Opinion of the Board (by Mr. Dumelle):

Dearborn Chemical Division of Chemed Corporation (Dearborn) is a manufacturer of chemical specialties used in the field of water treatment and corrosion control. At the facilities in Lake Zurich liquid and dry chemicals are processed and blended in accordance with proprietary formulations and packaged for sale as water treatment chemicals, coatings, corrosion inhibitors, algicides, biocides and coagulant aids. Dearborn was formerly an operating division of W.R. Grace and Company and is still 94% owned by Grace (R.51-52). The facilities are on a 75 acre site at which approximately 180 persons are employed (R.53).

Dearborn has petitioned the Board to be able to discharge aqueous wastes in quantities in excess of those allowed by Illinois Sanitary Water Board Rules and Regulations SWB-14 (hereafter SWB-14). Specifically, Dearborn on July 16, 1971, asked to be permitted to continue its present discharges for about six months, until the plant's discharges could be fully diverted to the Lake Zurich waste treatment plant. It is the decision of the Board that petitioner be granted a variance from the operation of the requirements of SWB-14 terminating 120 days from this date subject to certain conditions hereinafter set forth in this opinion and order.

Industrial waste water is generated as a result of the following activities: Cleaning of small amounts of residual chemicals from mixing and blending equipment; production of boiler feedwater; and other use of water, such as for chemical reagents and discarded samples from research, testing, and analytical sections of the company laboratory. The domestic sanitary sewage is discharged through an approved connection to the municipal sewage system of the Village of Lake Zurich. A substantial amount of city water is consumed as "once through" cooling water without treatment and discharged to the drainage system serving the plant site. The industrial waste water is collected in a separate drainage system

and treated in a batch treatment plant for reduction of metals and coagulation of metal precipitates and other solids, adjustment of pH, and aeration. The treated effluent is then discharged along with the cooling water and storm water to the drainage system. The effluent then flows into a marshy, shallow ditch along the Elgin, Joliet and Eastern Railroad right-of-way. After about one-eighth of a mile the ditch empties into a concrete drainage system and thence into a marshy area from which no defined flow pattern emerges. Ultimately the discharge is to Flint Creek and the Fox River (R.46-48).

In April, 1971, Dearborn's industrial waste water flow was at the rate of 15,000 gallons per day (gpd) while the domestic sewage flow was 16,700 gpd. Efforts to reduce the flow have resulted in a decrease in the industrial waste flow to 9,900 gpd and in the domestic flow to 6,500 gpd (R.61-62).

In August, 1970, the Environmental Protection Agency (EPA) advised Dearborn of several items of non-compliance with the regulations. Following a study Dearborn, in October, 1970, sought permission from the Village of Lake Zurich to connect to the municipal sewer system to discharge all of its wastes. As of the date of the hearing, the question of whether the Village would or could accept Dearborn's efflux was still unresolved. Mr. Dwayne M. Doughty, Village Administrator of Lake Zurich, testified that because the Village had heard from its consulting engineers only the day before the hearing, it did not know what course would be taken. The facts and figures of Dearborn's effluent must still be reviewed (R.57). Dearborn feels that by pretreating and then discharging into the municipal treatment plant it is embarked upon the best solution to its waste water problem.

In this case as in all the cases which come before us we are asked to balance the hardship visited upon the petitioner, should the variance request be denied, against the harm wreaked upon the environment with the issuance of a license to pollute. In this case we are persuaded that Flint Creek and the Fox River will not be so adversely affected so as to force us to deny Dearborn's request. We therefore grant the request in this instance, but we do so with some reservation as the company is in the business of advising other industrial water users how to treat their wastes, yet is unfortunately remiss in solving its own problem. Dearborn, who performs surveys, feasibility studies, design studies, and makes recommendations as to what their customers should do with wastes, should now undertake to treat itself as well as it does its best customer.

Because no specific resolution of the problem was presented at the hearing and we are thus uninformed, we must continue our jurisdiction and maintain our scrutiny of this cause. Presumably Dearborn will proceed to obtain a permit for the operation of its existing facilities, will routinely make monthly operational reports and will obtain certification of its operators. What, however, will Dearborn do if they cannot make arrangements to discharge into the Lake Zurich treatment plant? There is testimony in the record that they could hook up to the municipal system without increasing the hydraulic loading at the facility (R.62). But the record yields no information as to whether the plant is presently hydraulically overloaded.

We grant the requested variance for 120 days subject to several conditions. Dearborn must expeditiously make every practical effort to resolve its sewer connection dealings with the Village of Lake Zurich. This could probably be done within the next 30 days. By November 15, Dearborn should know where it will be permanently discharging its wastes. Within 75 days from date we will require Dearborn to submit a supplemental petition detailing the course which it proposes to take. Such supplemental petition, the request for extension of this variance beyond 120 days if more time is required, may be acted upon without a hearing.

As a further condition of this variance we will require Dearborn to post a bond or other adequate security with the Environmental Protection Agency as we have done in most of the variance cases decided to date. The bond is provided for by statute and is intended to serve as an incentive to the polluter to proceed apace with the cleanup job. We will require a bond or other security in the amount of \$20,000 subject to modification after consideration of the supplemental petition. The obligation of the bond shall be the operation of the plant in compliance with SWB-14 after any period of variance has run its course.

This Opinion constitutes the findings of fact and conclusions of law by the Board.

O R D E R

The Board having considered the petition, recommendation, transcript and exhibits in this proceeding, hereby grants the request of Dearborn Chemical Division of Chemed Corporation (Dearborn) for a variance subject to the following conditions:

1. This grant of variance from the provisions of SWB-14 extends for 120 days from this date. This variance is granted to allow Dearborn to make arrangements and proceed to connect to the Lake Zurich municipal treatment system or to make alternate plans for the treatment of its plant effluent.
2. Dearborn shall submit a supplemental petition for variance containing a complete abatement and compliance program to the Environmental Protection Agency and the Board within 75 days specifying in detail the course which Dearborn will pursue to conform to the requirements of SWB-14. Such complete supplemental petition to extend the present variance may be acted upon without a hearing.
3. Dearborn shall post with the Environmental Protection Agency on or before November 15, 1971 a bond or other adequate security in the amount of \$20,000 and in such form as is satisfactory to the Agency, which sum shall be forfeited to the State of Illinois in the event the treatment plant shall be operated in contravention of the provisions of SWB-14 after the initial or extended (if any) period of variance is expired. Any extended date will be determined after Dearborn's submission of a petition and program as required by paragraph No. 2.
4. Failure to adhere to any of the conditions of this variance shall be grounds for revocation of the variance.

I, Regina E. Ryan, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above Opinion and Order on the 14 day of October, 1971.



Regina E. Ryan, Clerk
Illinois Pollution Control Board