

ILLINOIS POLLUTION CONTROL BOARD
July 31, 1986

LIBBEY-OWENS-FORD COMPANY,)
)
 Petitioner,)
)
 v.) PCB 86-118
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by J. D. Dumelle):

This provisional variance request comes before the Board upon a July 31, 1986 Recommendation of the Illinois Environmental Protection Agency (Agency). The Agency recommends that a 7-day provisional variance be granted to the Libbey-Owens-Ford Company from 35 Ill. Adm. Code 304.141 to allow the discharge of waters which are not in compliance with its NPDES Permit while a 24 inch force main is repaired and relocated.

The Petitioner owns and operates wastewater treatment facilities located in Ottawa, Illinois. The company's wastewater treatment facilities include "a 24 inch force main across the Illinois River, a Parshall flume, and 3 lagoon cells." (Rec. 1). The Libbey-Owens-Ford Company glass plants #5 and #7 deliver process waste waters and sanitary waste waters "together with some surface water through a 24 inch pipe to a lagoon/skimmer type waste treatment system located on the opposite (South) side of the Illinois River from the plants." (Pet. 1). Effluent from the Petitioner's wastewater treatment facilities is discharged into the Illinois River pursuant to the requisite NPDES Permit authorization.

Because of recent washouts of the supporting bank, "part of the 24 inch pipe running parallel to the North bank of the river and located about ten feet above the river is in jeopardy." (Pet. 1). The Petitioner has indicated that "this part should be relocated onto solid ground very soon." (Pet. 1). Additionally, as a temporary interim measure, the Petitioner fitted several sections of pipe with emergency plugs and scrap seals to eliminate leaks which range in size from a pin hole to about one-half inch in diameter. However, the Petitioner has indicated that "it is unlikely that these repairs will last until another plant shutdown occurs." (Pet. 1). Therefore, during the time period of the requested provisional variance, the Petitioner intends to replace the sections of this pipe which have developed leaks that have been temporarily repaired. (Rec. 1).

Since glass plant #7, which contributes 95% of the wastewater flow to the Petitioner's waste treatment system, will be down for vacation during the weeks of July 14, 1986 and July 21, 1986, the company wants to repair and relocate the 24 inch force main during the week of July 21, 1986. (Pet. 1; Rec. 1). The Libbey-Owens-Ford Company believes that this repair and relocation work will take somewhere between three to five days, and has requested a variance for seven days (from July 21, 1986 to July 28, 1986) to allow for any unexpected contingencies which may arise during the course of the completion of the requisite repair work. (Pet. 1-2; Rec. 1).

During the shutdown of the 24 inch force main, the Petitioner believes that there will be "little or no discharge from the waste treatment system (outfall 009)." (Pet. 1). However, there may be some discharges of untreated wastewater from some of the collection system stormwater overflow discharge points. (Pet. 1; Rec. 2). The combined total of such discharges directly to the Illinois River are estimated by the Petitioner to be at a maximum of 70 gallons per minute. (Pet. 1; Rec. 2). The company has emphasized that it needs the requested provisional variance relief "in order to avoid an emergency repair during production operations when waste treatment flows range as high as 2.5 MGD." (Pet. 2; Rec. 2).

The Petitioner has stated that there is no practical alternative to removing the force main from service in order to facilitate the repair and relocation of this 24 inch line and the Agency has agreed with the company's analysis of this situation. (Rec. 2). Although there is a possibility of total suspended solids and fecal coliform excursions from stormwater overflow points while the force main is out of service, based on information received by the Agency from the company on past discharges from these outfalls, it is believed that such small discharges would be minor. (Pet. 1-2; Rec. 2).

The Agency believes that the environmental impact of granting the requested relief will be minimal because of "the short duration and small volume of these discharges in comparison to the volume of the Illinois River (average flow upstream at Marseilles during Water Year 84 was approximately 5 million gpm)." (Rec. 2).

The Agency has also indicated that there are no Federal regulations that would preclude the granting of the requested provisional variance. The first downstream public water supply is located in Peoria, Illinois and the Agency has concluded that there are no downstream public water supplies which would be adversely affected by the granting of the requested relief. (Rec. 2).

The Petitioner maintains, and the Agency believes, that a denial of the requested provisional variance would create an arbitrary or unreasonable hardship "because Petitioner plans to repair and relocate the force main during a period when flows are reduced to prevent having to do so in an emergency situation when flows will probably be much higher." (Rec. 2).

The Agency has therefore concluded that compliance on a short-term basis with the applicable standards would impose an arbitrary or unreasonable hardship upon the Libbey-Owens-Ford Company. (Rec. 1-2). Accordingly, the Agency has recommended that the Board grant the Petitioner a provisional variance from 35 Ill. Adm. Code 304.141, subject to certain conditions.

Pursuant to Section 35(b) of the Illinois Environmental Protection Act, the Board will grant the provisional variance as recommended.

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

ORDER

The Petitioner, the Libbey-Owens-Ford Company, is hereby granted a provisional variance from 35 Ill. Adm. Code 304.141 to allow the discharge of waters which are not in compliance with its NPDES Permit while its force main is repaired and relocated, subject to the following conditions:

1. The provisional variance shall commence on July 21, 1986, and continue until July 28, 1986, or until the force main is returned to service, whichever occurs first.
2. Any discharges which occur from the stormwater overflow points shall be monitored by collecting a manual composite sample each day during the provisional variance period and analyzing the composite sample for BOD, TSS, and fecal coliform. The results of these analyses shall be submitted to the Agency with the July, 1986 discharge monitoring report.
3. During the provisional variance period, the Petitioner shall operate its facilities so as to minimize the discharge of untreated wastes.
4. Within 10 days of the date of the Board's Order, the Petitioner shall execute a Certification of Acceptance and Agreement which shall be sent to Mr. James Frost of the Agency at the following address:

Mr. James Frost
Illinois Environmental Protection Agency
Division of Water Pollution Control
2200 Churchill Road
Springfield, Illinois 62706

This certification shall have the following form:

I, (We), _____, having read the Order of the Illinois Pollution Control Board in PCB 86-118 dated July 31, 1986, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and unenforceable.

Petitioner

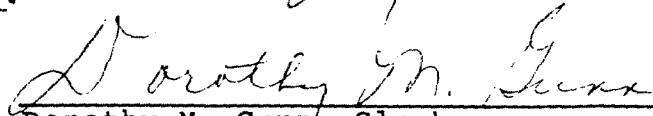
By: Authorized Agent

Title

Date

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 31st day of July, 1986 by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board