

ILLINOIS POLLUTION CONTROL BOARD  
November 7, 1985

MOBIL CHEMICAL COMPANY, )  
)  
Petitioner. )  
)  
v. ) PCB 85-189  
)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
)  
Respondent )

OPINION AND ORDER OF THE BOARD (by W.J. Nega):

This provisional variance request comes before the Board upon a November 7, 1985 Recommendation of the Illinois Environmental Protection Agency (Agency). The Agency recommends that a 45-day provisional variance be granted to Mobil Chemical Company (Mobil) from the 15 milligrams per liter (mg/l) total suspended solids (TSS) effluent standard of 35 Ill. Adm Code 304.124(a). (Rec. 3).

The Petitioner owns and operates a fertilizer manufacturing plant located in DePue, Bureau County, Illinois which employs about 117 people and produces approximately 250,000 tons of fertilizer per year from raw materials which include phosphate rock, sulfur, and ammonia. Mobil's facility consists of sulfuric acid manufacturing plant, a phosphoric acid manufacturing plant, and a diammonium phosphate (DAP) plant. The Petitioner's fertilizer manufacturing operations result in two effluent discharges which are subject to NPDES Permit #IL0032182. Mobil discharges its wastewater through two outfalls which are designated Outfall 001 and Outfall 002. Outfall 001, which is the subject of the present provisional variance request, discharges approximately 20 million gallons per day (GPD) of non-contact cooling water to Lake DePue, a backwater of the Illinois River. Outfall 002, which is not involved in the instant relief request, discharges a small quantity of groundwater seepage from the gypsum pond area of the Petitioner's facilities. Mobil has two lagoons which provide treatment of the non-contact cooling water from Outfall 001, filter backwash, boiler blowdown, and softener regenerant wastewater. (Rec. 1).

Mobil presently has no effluent limitations for total suspended solids set by its NPDES Permit. The Petitioner is, in essence, requesting an extension of the variance previously granted by the Board for the discharge from Outfall 001 in PCB 82-18. (See: Opinion and Order of November 12, 1982 in Mobil Chemical Co. v. IEPA, PCB 82-18). Item 1(d) of the Order in PCB 82-18 mandates that the Petitioner "monitor at Outfall 001 for TSS by means of a composite sample taken five times per week" thereby requiring Mobil to sample the influent and effluent TSS

levels. During the past year, the Petitioner's discharge monitoring reports to the Agency pertaining to TSS levels in its influent and effluent have indicated the following concentrations:

<u>Month</u>	<u>Influent TSS (mg/l)</u>		<u>Effluent TSS (mg/l)</u>	
	<u>Avg.</u>	<u>Max.</u>	<u>Avg.</u>	<u>Max.</u>
7/85	44	93	28	57
6/85	32	57	24	32
5/85	36	66	30	64
4/85	61	264	66	228
3/85	123	500	104	520
2/85	55	308	58	368
1/85	77	498	71	398
12/84	29	86	30	69
11/84	35	110	27	64
10/84	36	100	21	34
9/84	35	59	26	54
8/84	45	106	26	53
Average	50.7	187.3	42.6	161.8

(Rec. 2)

In reference to the above analyses results, the Petitioner has asserted that the high total suspended solids levels in its effluent are due to the high TSS level in its intake water from the Illinois River. (Rec. 2).

Mobil has stated that it needs the requested provisional variance in order to protect itself during the time period that the current variance in PCB 82-18 expires until the modified NPDES Permit becomes effective. The Petitioner applied to the Agency for a modified NPDES Permit on August 13, 1985 and the permit was sent to 15 day notice on October 10, 1985. The Agency indicated that, assuming no unforeseen delays occur, the modified NPDES Permit could be issued as early as November 26, 1985, effective December 26, 1985. (Rec. 2).

As required by its variance in PCB 82-18, Mobil has been removing sources of TSS loading on Outfall 001 and then been sending it to the gypsum pile for appropriate treatment. The Agency has noted that "these actions appear to have improved the quality of effluent discharge at Outfall 001". (Rec. 2).

The Agency believes that, because the solids discharged are solids taken in from the Illinois River and no degradation should occur, the environmental impact of the proposed provisional variance will be minimal. (Rec. 3). The Agency anticipates that Mobil's discharge will have no impact on the City of Peoria's public water supply, since the Petitioner's discharge is about 47 miles upstream of the Peoria Water Company intake. Because of the nature of Mobil's discharge and the dilution ratio involved,

the Agency feels that Peoria's public water supply system will be virtually unaffected. (Rec. 3).

Because of the "impracticality of installing a control system to attain full compliance when full compliance will be achieved through administrative action", the Agency has indicated that "Petitioner's hardship in this matter is readily apparent". (Rec. 3).

The Agency has therefore concluded that compliance with the provisions of 35 Ill. Adm. Code 304.124(a) as it pertains to total suspended solids would impose an arbitrary or unreasonable hardship upon Mobil Chemical Company. (Rec. 1-3). The Agency has ascertained that there are no federal regulations that would preclude the granting of the requested relief. Accordingly, the Agency has recommended that the Board grant the Petitioner a provisional variance from 35 Ill. Adm. Code 304.124(a) as it pertains to total suspended solids, subject to specified conditions.

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

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

#### ORDER

Mobil Chemical Company is hereby granted a provisional variance from 35 Ill. Adm. Code 304.124(a) as it pertains to total suspended solids discharged from Outfall 001 of its DePue, Illinois fertilizer manufacturing facility, subject to the following conditions:

1. This provisional variance shall commence on November 15, 1985 and shall terminate on December 30, 1985, or upon effectiveness of its modified NPDES Permit, whichever occurs first.

2. During the time period of the provisional variance, the effluent shall be limited such that the effluent TSS concentration shall not exceed the influent TSS concentration on a monthly basis.

3. The Petitioner shall continue to monitor its effluent as stated in its existing NPDES Permit.

4. Within 10 days of the date of the Board's Order, the Petitioner shall execute a Certificate 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  
Compliance Assurance Section  
2200 Churchill Road  
Springfield, Illinois 62706

This certification shall have the following form:

CERTIFICATION

I, (We) \_\_\_\_\_, having read the Order of the Illinois Pollution Control Board in PCB 85-189, dated November 7, 1985, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
By: Authorized Agent

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

IT IS SO ORDERED.

Chairman Dumelle concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 7<sup>th</sup> day of November, 1985 by a vote of 7-0.

Dorothy M. Gunn  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board