ILLINOIS POLLUTION CONTROL BOARD September 3, 1981

KANEY TRANSPORTATION, INC. and KTI, INC.,)) Y		
Petitioners,	į		
v.)	PCB	81-60
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)) }		
Respondent.))		

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

This matter comes before the Board upon a variance petition filed June 24, 1981 by Kaney Transportation, Inc. and KTI, Inc., Illinois corporations which will be referred to collectively as "Kaney". On April 16, 1981, Petitioners filed a motion to modify the Board's final Order in an enforcement action, EPA v. Kaney Transportation, Inc. and KTI, Inc., PCB 78-236, October 30, 1980. A new docket number was assigned on April 16, 1981 and petitioners were ordered to refile the motion as a variance petition pursuant to Part IV of the Procedural Rules. The petitioners request a variance from the Board's Order in the enforcement action [§35(a) of the Environmental Protection Act (Act)]. On July 31, 1981 the Illinois Environmental Protection Agency (Agency) recommended that the variance be granted with conditions. No hearing was held and the Board has received no public comment.

Kaney Transportation, Inc. is a wholly owned subsidiary of KTI, Inc. The former operates an interstate transportation company employing about 100 persons and owning 70 tractors and 112 trailers. Its principal place of business is a ten acre tract in Rockford, Winnebago County. PCB 78-236 involved discharges arising from the cleaning of truck interiors and exteriors at this facility. The Board found Kaney in violation of the Act and Board rules requiring NPDES and other permits, and in violation of effluent and water quality standards. The findings were pursuant to a stipulation and settlement agreement. The water quality violations included violation of standards for phenols and fluoride.

Prior to the enforcement action Kaney conducted both exterior and interior truck washing at the facility. Interiors containing bulk liquids were washed in the maintenance building. Wastewater flowed from floor drains through pipes to a lagoon. Kaney discontinued internal truck washing. Pursuant to the settlement agreement, Kaney has dredged and scraped the lagoon and disposed

of contaminated soil. The stipulation, which was incorporated into the Board Order, required Kaney to submit an application for permits necessary to construct and operate a new lagoon. Kaney now proposes to construct two above-ground 5000 gallon stainless steel tanks instead of rebuilding the lagoon. A variance from the earlier Board Order is required.

The tanks will be installed on concrete supports in the existing lagoon. They will receive only external wash water through an existing twelve inch PVC pipe. The average waste load is about 500 gallons per week. The waste water will be hauled to the Rockford Sanitary District for proper treatment and disposal.

Kaney expects the wash water to have a pH of 7.5 and to contain sulfate, phosphate, soap, dissolved solids, suspended solids, oils and grease. It will be typical of car wash wastes. The Agency agrees with the facts alleged in the petition.

Kaney estimates that it would cost \$10,000 to \$12,000 to construct a new lagoon. This would involve installation of a buried liner and construction of a monitoring well. The lagoon would have an estimated life of only ten years. The tanks are estimated to cost \$5000 to \$6000 and to have an estimated life of twenty years.

Because the tanks will be elevated, leaks should be readily apparent. A liner and monitoring well will be unnecessary. Kaney will be required to maintain the existing lagoon walls to hold wash water in the event of a spill. The tanks will minimize wastewater contact with the environment to a greater extent than possible with a lagoon system.

The Board finds that it would impose arbitrary or unreasonable hardship upon Kaney if it were required to construct a lagoon as required by the Board's Order in PCB 78-236 instead of the tanks described above. The variance will be granted with conditions similar to those recommended by the Agency.

No variance will be granted from regulations requiring construction permits pursuant to Part IX of Chapter 3 (to be codified as Part 309). Kaney will be required to make the necessary

applications promptly, to give additional information as necessary and to construct the tanks promptly on permit issuance.

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

ORDER

Petitioners Kaney Transportation, Inc. and KTI, Inc. are granted a variance from the Order of the Board entered October 30, 1980 in PCB 78-236, insofar as that Order required the installation of a treatment lagoon to receive truck washing wastewater at Petitioners' Rockford facility, subject to the following conditions:

- 1. Within thirty days of the date of this Order, Petitioners shall submit to the Agency a construction permit application for the above-ground tanks described in the Opinion.
- 2. Petitioners shall submit such additional information, upon request by the Agency, as may be necessary for the Agency to review the permit application.
- 3. The Agency shall promptly review the permit application and grant or deny the permit or issue a request for additional information.
- 4. Petitioners shall complete installation of the storage tanks within ten weeks of receipt of a construction permit from the Agency.
- 5. Petitioners shall install the tanks as required by permit conditions.
- 6. Petitioners shall install the tanks inside the old lagoon and shall maintain the lagoon so as to allow adequate storage of wastewater should any spills or leaks occur.
- 7. Petitioners shall properly monitor, operate, maintain and repair the storage tanks at all times so as to minimize leaks or spills of wastewater.
- 8. Petitioners shall clean up any spills or leaks which may occur.
- 9. Petitioners shall dispose of wastewater collected in the tanks in accordance with all applicable Board regulations.

- 10. Kaney shall not wash truck interiors at this facility without first making a new or amended permit application to the Agency disclosing this fact.
- 11. This variance will expire April 30, 1982; provided however that compliance with its conditions shall be deemed compliance with the terms of the Board's Order of October 30, 1980 in PCB 78-236 insofar as that Order required construction of a lagoon.
- 12. Within forty-five days of the date of this Order, Petitioners shall each 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), and fully understanding the Orde Order and agree to be bound by a	, having read r in PCB 81-60, hereby accept that ll of its terms and conditions.
SIGNED	
TITLE	
DATE	
IT IS SO ORDERED.	
I, Christan L. Moffett, Cle Control Board, hereby certify th were adopted on the 3 cd day o	

Christan L. Moffett, Clerk
Illinois Pollution Control Board

of <u>5'-6</u>.