

ILLINOIS POLLUTION CONTROL BOARD
November 29, 1979

CATERPILLAR TRACTOR COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 79-99
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

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

Petitioner requested a variance from Rule 404(a) of Chapter 3: Water Pollution as it pertains to suspended solids and Rule 408(a) as it pertains to oils, fats and greases until May 1, 1980. The Agency recommended that a variance be granted. A stipulation was filed.

Petitioner manufactures engines and hydraulic hoses at a plant in Mossville in Peoria County. Wastewater is passed through separators which remove free floating oil and suspended solids then through equalization tanks to balance variations in loadings and flows. Next the wastewater is acidified and sulfur dioxide is added to reduce hexavalent chromium to the trivalent state for precipitation. After lime addition, gravity settling occurs in two clarifiers. Effluent from these clarifiers is treated with polymer and alum, subjected to dissolved air flotation, combined with treated sanitary wastewater in another equalization tank, passed through dual media filters, and finally discharged to the Illinois River.

Petitioner is presently constructing additions to this system to enhance treatment efficiency and hydraulic capacity. The additions include flow reorientation, expansions and improvements to existing facilities, relocation of certain units, and added storage capacity for treatment chemicals. Petitioner expects these improvements will provide for consistent compliance with the suspended solids (25 mg/l) , and oils, fats and greases (15 mg/l) effluent standards.

Petitioner has requested interim effluent limitations during the variance as follows:

	<u>Daily Maximum</u>	<u>Monthly Average</u>
Oils, Fats and Greases	40 mg/l	30 mg/l
Suspended Solids	150 mg/l	30 mg/l

Petitioner feels that these limitations are necessary to provide for excursions which are expected during construction of the above noted improvements. The record does not discuss conditions at the edge of the mixing zone in the Illinois River but it would appear that environmental harm will be minimal.

By executing the stipulation, the Agency has agreed with Petitioner's allegations and requested interim effluent limitations.

The Board concludes that denial of a variance would constitute arbitrary and unreasonable hardship. Petitioner has already made significant progress in wastewater treatment. The planned improvements appear to be appropriate steps to eliminate incidents of non-compliance. The proposed interim effluent limitations also appear to be reasonable.

The stipulation is accepted as a statement of the facts which would have been established at a hearing. Insofar as the stipulation attempts to limit the Board's authority to decide this matter or set conditions, it is totally without effect. No one can lay a variance decision before the Board on a "take it or leave it" basis. The Board's decision in this matter is based on the Board's own review of the record.

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

ORDER

1. Petitioner is hereby granted a variance from Rule 404(a) of Chapter 3: Water Pollution as it pertains to suspended solids and Rule 408(a) of Chapter 3: Water Pollution as it pertains to oils, fats and greases until May 1, 1980 subject to the following conditions:

a) During the term of this variance Petitioner's effluent shall not exceed the following limitations:

	<u>Daily Maximum</u>	<u>Monthly Average</u>
Oils, Fats and Greases	40 mg/l	30 mg/l
Suspended Solids	150 mg/l	30 mg/l

b) Within 45 days of the date of this Order Petitioner shall execute a certification of acceptance and agreement to be bound to the terms and conditions of this variance. This 45 day period shall be held in abeyance if this matter is appealed. The

certification shall be forwarded to the Illinois Environmental Protection Agency, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706 and shall read as follows:

CERTIFICATION

I (We), _____, having read and fully understanding the Order in PCB 79-99 hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED _____
TITLE _____
DATE _____

- 2. The Agency is hereby authorized to modify NPDES Permit No. IL 001414 in a manner consistent with this Order.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify the above Opinion and Order were adopted on the 29th day of November, 1979 by a vote of 4-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board