

ILLINOIS POLLUTION CONTROL BOARD  
November 29, 1979

EXXON CHEMICAL COMPANY, U.S.A., an )	
operating division of EXXON )	
CHEMICAL COMPANY, a division of )	
EXXON CORPORATION, )	
)	
Petitioner, )	
)	
v. )	PCB 79-162
)	
ENVIRONMENTAL PROTECTION AGENCY, )	
)	
Respondent. )	

OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

This matter comes before the Board upon a petition for variance filed on August 13, 1979 by Exxon Chemical Company U.S.A. Petitioner requests a modification and continuation until March 31, 1980 of a variance granted for two plants operated by Exxon in Lake Zurich, Illinois by the Board in PCB 77-329 on August 24, 1978. Specifically Petitioner requests a deletion of the requirement for a program and schedule for Plant #2 and a continuation of variance as to Plant #2 from the total dissolved solids and chloride standards of Rules 203(f) and the total suspended solids standard of Rule 408(a) of Chapter 3: Water Pollution (Chapter 3) until March 31, 1980 at which time Plant #2 will be shut down. The Environmental Protection Agency (Agency) filed a recommendation on September 19, 1979. Petitioner filed a response on October 1, 1979. The Agency then filed an amended recommendation on October 4, 1979. No hearing has been held in this matter.

Exxon is engaged in the processing and distribution of polyethylene and polypropylene products at this site. Plant #1 which was also included in the earlier variance was to complete the segregation of its effluent streams as was required on or before August 15, 1979. Plant #2 as previously mentioned will discontinue the discharges of process effluent, consisting of cooling tower blowdown, boiler blowdown, and some contact cooling water, on or before March 31, 1980. No future use of this part of the facility is planned. Office space at Plant #2 will continue to be used and the sanitary sewage will continue to be discharged to the Village of Lake Zurich sewer system.

Petitioner contends that requiring completion of the segregation of effluent streams at this plant when the discharges are to cease on March 31, 1980 would impose an arbitrary and unreasonable hardship upon Petitioner. Petitioner asserts that the discharge is not one which creates any risk of environmental damage or hazard to public health and welfare. The Agency notes that this statement is not substantiated by Petitioner. An Agency technical report cites a possible marginal adverse impact on the potential beneficial uses of the receiving waters. The Agency further states this may change once the segregation of process water and storm water has been completed. The Board notes that as of this writing that process should be complete for Plant #1.

The Agency does recommend the grant of the variance since the time of continued operation is so short it is doubtful any upgrading to meet Chapter 3 standards could be accomplished in that length of time.

The Board finds that to require Petitioner to continue modification of Plant #2 at this time would be an arbitrary and unreasonable hardship. The Board will require the Agency's suggested conditions.

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

#### ORDER

It is the Order of the Pollution Control Board that Exxon Chemical Corporation is granted a variance for its Plant #2 in Lake Zurich, Illinois from the total dissolved solids and chloride standards of Rule 203(f) and the total suspended solids standard of Rule 408(a) of Chapter 3: Water Pollution until March 31, 1980. The Board modifies its Order in PCB 77-329, dated August 24, 1978, to delete the requirement of completion of a program for segregation of storm and process flow at Plant #2. This variance and modification are subject to the following conditions:

1. That Petitioner not increase wastewater flows or concentrations over that previously discharged.

- 2. Within forty-five days of the date of this Order, Petitioner shall 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), \_\_\_\_\_, having read and fully understanding the Order in PCB 79-162, hereby accept that Order and agree to be bound by all of its terms and conditions.

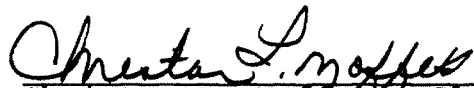
SIGNED \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_

- 3. The Agency, pursuant to Rule 914 of Chapter 3: Water Pollution, shall modify the NPDES permit consistent with the conditions set forth in this Order, including such interim effluent limitations as may reasonably be achieved through application of best practicable operation and maintenance practices in existing facilities.

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

  
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 Christan L. Moffett, Clerk  
 Illinois Pollution Control Board