

ILLINOIS POLLUTION CONTROL BOARD
August 24, 1978

EXXON CHEMICAL CORPORATION,)
)
) Petitioner,)
)
)
) v.) PCB 77-329
)
)
) ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

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

Exxon Chemical Corporation (Exxon) submitted a Petition for Variance before the Board on December 9, 1977, and submitted amendments to its petition on February 2 and April 18, 1978. The Environmental Protection Agency (Agency) submitted its Recommendation on March 10, 1978, and submitted amendments on May 22 and July 19, 1978. No hearing has been held in this matter. Exxon waived its right to a 90-day decision in this matter to and including September 7, 1978. On February 16, 1978, Respondent submitted a motion to dismiss, which the Board ordered would be taken with the case. That motion is denied.

In its petition, Exxon requests a variance from the suspended solids limitation in Rule 408(a) of the Board's Water Pollution Regulations, Chapter 3 of the Board's Rules and Regulations. The variance is sought for two plants operated by Exxon in Lake Zurich, Illinois, engaged in the processing and distribution of polyethylene and polypropylene products. The process effluent from the facility consists of cooling tower blowdown, compressor blowdown, boiler blowdown, softener backwash and contact cooling water. Exxon's facility discharges approximately 12,000 gallons per day into an on-site pond which discharges to a storm sewer thereafter flowing to a privately-owned pond.

Exxon's NPDES permit contains a 15 mg/l daily maximum concentration limit for total suspended solids, as does Rule 408(a). Grab samples taken by the Agency revealed discharge levels within the allowable limit. However, Exxon requests a variance because samples taken during periods of heavy rainfall indicate that suspended solids concentrations may exceed 15 mg/l due to storm water run-off.

Exxon requests that the variance be granted for one year and proposes to achieve compliance by segregation of storm and process flow followed by either discharge of process flows to the municipal sanitary sewerage system or discharge of process flows to a treatment system capable of meeting applicable regulations. Exxon's existing sanitary sewers are tributary to the Village of Lake Zurich Northwest Sewage Treatment Plant.

The Agency indicates in its Recommendation that there are no federal Best Practical Control Technology Currently Available (BPCTCA) effluent guidelines applicable to Exxon. For purposes of this proceeding, the Agency contends that Exxon's current controls constitute BPCTCA. Granting of the requested variance would, therefore, be consistent with federal law.

Furthermore, the Agency's investigation has revealed that Exxon's discharge contains a high concentration of total dissolved solids which could potentially cause or contribute to violations of the general use water quality standard for total dissolved solids and chlorides since Exxon discharges to an intermittent water course which discharges to 3 quiescent ponds and the Hawthorne Ditch. Therefore, the Agency suggests that during the term of the variance Exxon also needs a variance from Rule 203(f) of the Water Regulations.

The Board finds that an arbitrary and unreasonable hardship would result from denial of the requested variance and that Exxon's compliance program is acceptable. The Board will, therefore, grant Exxon a one-year variance from Rules 203(f) and 408(a).

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

ORDER

It is the Order of the Pollution Control Board that:

1. Exxon Chemical Corporation be and is hereby granted a variance from the total dissolved solids and chloride standards of Rules 203(f) and the total suspended solids standard of 408(a) of Chapter 3 for one year from the date of this Order, subject to the following conditions:
 - A. Within 60 days, Exxon shall submit a program and schedule to the Agency for segregation of storm and process flow;

- B. Within 120 days, Exxon shall file a construction permit application with the Agency involving either connection to the Lake Zurich Northwest Sewage Treatment Plant or construction of a sewage treatment system capable of meeting applicable standards; and
- C. Within 45 days the Exxon Chemical Corporation shall execute and forward to the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 a Certification of Acceptance and Agreement to be bound to all terms and conditions of this Order. The 45 day period shall be held in abeyance during any period this matter is being appealed. The form of said certification shall be as follows:

CERTIFICATION

I (We), _____ having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 77-329 hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

SIGNED _____

TITLE _____

DATE _____

- 2. Respondent's February 16, 1978, Motion to Dismiss is hereby denied.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 24th day of August, 1978 by a vote of 5-0.

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