

ILLINOIS POLLUTION CONTROL BOARD
October 1, 1987

MORTON THIOKOL, INC.,)
MORTON CHEMICAL DIVISION,)
)
Petitioner,)
)
vs.) PCB 86-223
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on a verified motion to modify variance, filed September 14, 1987 by Morton Thiokol, Inc., Morton Chemical Division (Morton Chemical). Morton Chemical seeks an extension of three interim deadlines established in the Board's May 28, 1987 Order. That Order granted Morton Chemical a variance from 35 Ill. Adm. Code 304.120(c) (BOD₅ effluent limitation) and 304.141(a) for its plant located in Ringwood, Illinois. The variance is to expire on June 30, 1988.

Morton Chemical seeks modification of paragraphs 5(A) through 5(C) of the Board's variance order, as follows:

- A. change the deadline to develop design criteria and complete the selection of the appropriate technology from June 30, 1987 to November 30, 1987;
- B. change the deadline to complete plans and specifications for the needed facilities from July 31, 1987 to December 31, 1987; and
- C. change the deadline to begin construction of facilities from January 31, 1988 to April 30, 1988.*

*The Board notes that although Morton Chemical states the date in paragraph 5(C) to be February 29, 1988, the variance sets the date as January 31, 1988.

Morton Chemical contends that such modification is necessary based upon evidence which could not have been discovered by due diligence before the issuance of the Board's May 28, 1987 Order. Specifically, Morton Chemical states that an evaluation of previous treatability studies, completed June 22, 1987, concluded that although the only technology capable of consistently achieving compliance with the BOD₅ effluent limitation is ozone oxidation, the treatment cost of such technology is economically unreasonable. In its response, the Illinois Environmental Protection Agency (Agency) states that since Morton Chemical does not seek to modify the dates for completion of construction and attainment of operational level, it does not object to the grant of the motion.

The motion for modification of the Board's May 28, 1987 Order is granted.

ORDER

Morton Thiokol, Inc., Morton Chemical Division, is hereby granted variance from 35 Ill. Adm. Code 304.120(c) and 304.141(a) for its plant located in Ringwood, Illinois, subject to the following conditions:

1. This variance shall expire on June 30, 1988.
2. This variance shall apply only to Outfall 001A.
3. Petitioner shall continue to monitor and report all parameters for Outfall 001A as required by its NPDES permit, including Biochemical Oxygen Demand (BOD).
4. Petitioner shall begin monitoring and reporting for mercury concentrations at Outfall 001 and Outfall 001A on a monthly basis.
5. Petitioner shall comply with the following schedules:
 - A. By November 30, 1987, develop design criteria and complete the selection of the appropriate technology.
 - B. By December 31, 1987, complete plans and specifications for the needed facilities.
 - C. By April 30, 1988, begin construction of facilities.
 - D. By May 31, 1988, complete construction and,

- E. By June 30, 1988, attain operational level.
6. Petitioner shall report monthly on its progress to achieve compliance through its construction program. Reports shall be submitted to the Agency concurrently with its Discharge Monitoring Reports (DMR's).
7. Within forty-five days of the date of this Order, Petitioner shall execute and forward to Wayne Wiemerslage, Enforcement Programs, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62794-9276, a certificate of Acceptance and Agreement to be bound to all terms and conditions of the variance. Failure to execute the certificate within the forty-five day period renders this variance void. This forty-five day period shall be held in abeyance during any period that this matter is being appealed. The form of said Certification shall be as follows:

CERTIFICATION

I, (We), _____, having read the Order of the Illinois Pollution Control Board in PCB 86-223, dated October 1, 1987, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner

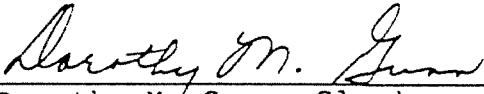
By: Authorized Agent

Title

Date

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 1st day of October, 1987, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board