

during the summer and 160 mg/l during the winter. The present failure to meet the numerical standards of Rule 404 of the Water Regulations is apparently attributable to poor biological activity of the wastewater treatment system, especially in the winter. The effluent is not only highly concentrated due to recycle operations within the plant but also contains an appreciable amount of dissolved BOD.

Reichhold alleges that its treatment facility is achieving excellent levels of performance in removing in excess of 95% of their influent BOD on a yearly average and even higher removal of suspended solids. (Weston Report, Appendix B to the Petition). It is Reichhold's position that it is presently removing BOD and suspended solids in excess of the best practical control technology currently available standard of U.S. EPA. (R.34, 35). Reichhold proposes to improve the cold weather BOD and total suspended solids removal by simulating warm weather conditions in the treatment basins. This would entail enclosures and heating systems of a currently undetermined design, which Reichhold proposes to have completed by July of 1979. Total estimated cost is approximately \$500,000, and the additional operating costs are expected to be about \$200,000 per year. In addition Reichhold alleges that its present maximum monthly average effluent would raise the BOD concentration in the Illinois River by only 0.017 mg/l and the total suspended solids concentration by only 0.029 mg/l. It is alleged that the difference between that discharge and a discharge meeting Rule 404 requirements could not be detected by present analytical methods. Reichhold claims an arbitrary and unreasonable hardship should the current Rule 404 effluent standards be imposed since the cost to Reichhold and the public would be far beyond any benefits that would accrue from compliance.

In its Recommendation, the Illinois Environmental Protection Agency (Agency) recommended grant of the requested variance subject to certain conditions. During the course of the hearing certain of the Agency's reservations were satisfied by Reichhold either agreeing with the proposed conditions or presenting evidence negating such conditions, leaving only the Agency's concern regarding a certificate of acceptance and a proposal by the Agency that continued testing be carried on by Reichhold. The Board has addressed the problem associated with the standard certificate of acceptance as pointed out by the Illinois Appellate Court decision in The Flintkote Company v. Pollution Control Board et al., 368 N.E.2nd 984 (October 4, 1977), and finds that the certificate of acceptance now required by the Board will not abridge any of Reichhold's appellate rights.

With respect to the Agency's Recommendation that Reichhold investigate other methods for reducing levels of BOD and suspended solids in its effluent, the Board finds that the relatively short time frame within which the proposed abatement procedures are to be constructed and put on line indicates it would be reasonable to wait until the results of Reichhold's initial efforts are known before determining that additional research into alternate methods is necessary. It is especially true since the Board agrees with the Agency that Reichhold is capable of construction and evaluation of the proposed equipment by July of 1979 rather than a year later as requested by Reichhold. The Board will therefore grant Reichhold variance from Rule 404(b) of Chapter 3: Water Pollution Regulations, until July 1, 1979, subject to certain conditions. The Board finds that variance from Sections 12(a), 12(f) and 39 of the Environmental Protection Act as requested by Reichhold are not necessary and will therefore be dismissed. With respect to the single public comment received by the Board in this matter, the Board finds that, although the comment is directed to the Reichhold situation, the information and data contained therein addresses a different Company and a different stream and is therefore not appropriate to this case.

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. Reichhold Chemicals be granted variance from Rule 404(b) of Chapter 3: Water Pollution Regulations, until July 1, 1979, for its facility located along the Illinois River near Morris, Illinois under the following conditions;
 - a. This variance is granted to the extent consistent with the applicable provisions of the Federal Water Pollution Control Act Amendments of 1972.
 - b. Reichhold shall obtain all State construction and operating permits necessary to complete its compliance program.

c. Reichhold shall limit the levels of BOD5 and suspended solids in the effluent discharge to the Illinois River as follows:

	Average (mg/l)	
	BOD5	TSS
June through November	40	70
December through May	200	200

d. Within 45 days of the adoption of this Order, Reichhold Chemicals, Incorporated shall execute and forward to both the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 and the Pollution Control Board 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 77-174 hereby accept said Order and agree to be bound by all of the terms and conditions thereof.


SIGNED _____

TITLE _____

DATE _____

2. Petition for Variance from Sections 12(a), 12(f) and 39 of the Environmental Protection Act 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 11th day of May, 1978 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board