

ILLINOIS POLLUTION CONTROL BOARD
November 23, 1977

OLIN CORPORATION,)	
)	
Petitioner,)	
)	
v.)	PCB 77-177
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

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

On June 30, 1977 Olin Corporation (Olin) filed a Petition for Variance before the Pollution Control Board requesting variance from Sections 12(a) and 12(f) of the Environmental Protection Act (Act) and Rules 203, 402, 404(c) and (f) and 408 of the Water Pollution Regulations (Chapter 3) as applied to discharges from Olin's Outfalls 003, 004, and 005 of its East Alton, Illinois plant. On August 2, 1977 the Environmental Protection Agency (Agency) filed its Recommendation, and on August 15, 1977 Olin filed a response to the Agency's Recommendation. On September 29, 1977, both parties filed a Joint Motion for Decision without a public hearing, and along with the motion filed a Stipulation of the testimony that would have been given by witnesses for Olin and the Agency at the hearing on this matter.

Olin's East Alton plant is a brass strip and small arms ammunition plant which occupies an area of approximately 1,732 acres. The company conducts a brass casting operation and it manufactures copper, copper-base alloy slabs, and copper-alloy tubing at its zone 17. At zones 1 and 7, brass strip and fabricated products, metallic and shot ammunition are manufactured, and a steam generating plant and a potable water treatment plant are operated. Olin manufactures shot shell ammunition and primer explosives at zone 4. Wastewater discharges from Zones 1, 4, and 7 are treated at Olin's zone 6 wastewater treatment facility, and zone 17 wastewater discharges are treated by the zone 17 facility. Both facilities employ lime precipitation and polymer coagulation

and flocculation process. After treatment, the effluent from both facilities is either pumped or flows by gravity to Wood River Creek. Sludge is dewatered by means of vacuum filters. Average discharge from the zone 6 treatment facility is 3 million gallons per day and from the zone 17 facility, 0.4 million gallons per day. The discharges or outfalls of the Company which are the subject of this Petition, Outfalls numbers 003, 004, and 005, are emergency by-pass discharges of combined processed sanitary and storm sewers coming from the Company's zones 1 and 7 operations. During normal operations, a combined flow is directed to Olin's zone 6 wastewater treatment plant. However during occasions of exceptionally high rainfall, a portion of the combined flow is by-passed to the east fork of Wood River Creek.

Wood River Creek is a small stream adjacent to Olin's plant, which discharges into the Mississippi River. In a recent decision the Fifth District Illinois Appellate Court upheld a prior decision of the Board which found that classification of the stream as a secondary contact and indigenous aquatic life water under Rule 302(k) of Chapter 3 can only be determined on the basis of a regulatory proceeding before the Board. Olin seeks a one-year variance so that the by-passes may continue while the Company completes its program of gathering information regarding the by-passes in order to determine what control measures, if any, are needed. The infrequent use of the discharge points, which are occasioned only upon excessive storm flows, has prevented gathering enough data to determine the nature and effect of these discharges so that a determination of whether or not controls are needed can be made. An analysis of several of the by-passes that occurred during the past year are presented in Exhibit A attached to the Stipulation.

The existing control methods consists of the pumping stations which direct all but at normal wet-weather flow to the zone 6 wastewater treatment plant. Although Olin cannot now submit a proposed method of control, a time schedule has been proposed for a sampling and study period to gather the information which would be sufficient on which to base a compliance plan. In accordance with the Agency's Recommendation, Olin in the Stipulation agreed to amend its request for a one-year variance to a request for a variance until March 1, 1978. The Agency and Olin stipulate that they know of no evidence of any significant present adverse environmental impact which would be caused by the subject discharges on the receiving stream for the period of the recommended variance. The Company's zone 6 wastewater treatment facility is designed to handle 7500 GPM, approximately 3.5 times normal dry weather flow.

Any adverse effects on the receiving stream from the discharges will be minimized because of the infrequent nature of the discharges and the fact that such occur only during periods of high rainfall when the flow in the receiving stream is increased. During the time required to complete the storm overflow study, Olin agrees to make every reasonable attempt to minimize the impact of the infrequent combined sewer overflows on the receiving stream. In the Stipulation Olin indicates certain measures that have already been implemented, including setting the float switches for all over-the-levee pumps at the Outfalls at the maximum possible level to use the sewer system to store as much storm water as possible, establishing a program to sweep the major paved areas of the plant to reduce the amount of solids washed down the sewer during a storm event, instructing production operations tributary to the Outfalls not to dump any spent process solutions during the storm events and others.

A question arises as to whether the appropriate rule from which Olin should be seeking variance is Rule 602(c) in that it governs the treatment to be given by-passes and combined sewer overflows. However, the Board finds that Rule 602(c) was not intended to govern the type of discharges involved herein.

The only sure method of immediate compliance with all regulations that may be applicable would be elimination of the combined sewer overflows. Since infrequent storm flows cannot be handled by the collection system pumps, plugging Outfalls 003, 004 and 005 could result in flooding Olin's plant causing extensive damage. The Board finds that to compel Olin at this time to do more than take the interim measures as undertaken to comply with all possible statutes and regulations with regard to Outfalls 003, 004 and 005 for the extent and nature of any violation such provisions by those discharges can be determined would be arbitrary and unreasonable. The Board therefore grants Olin a variance until March 1, 1978 from Sections 12(a) and (f) of the Environmental Protection Act and Rules 203, 404(c), 404(f) and 408 of Chapter 3, subject to the conditions listed below.

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

ORDER

It is the Order of the Pollution Control Board that Olin Corporation be granted a variance until March 1, 1978 from Rules

203, 404(c), 404(f) and 408 of Chapter 3 and Sections 12(a) and 12(f) of the Act subject to the following conditions:

1. Olin Corporation shall monitor every discharge from Outfalls 003, 004, and 005 and shall analyze and monitor every discharge as required by Olin's NPDES permit. All information regarding such monitoring and analysis shall be provided to the Agency within five days after it is received by Olin.

2. Olin shall continue to implement the interim control measures as specified in its variance Petition and in the Stipulation submitted by the parties in order to minimize the discharge of contaminants.

3. Olin shall continue to investigate all methods of controlling or eliminating the discharge of contaminants from Outfalls 003, 004, and 005, and Olin shall report to the Agency any progress regarding such investigation. Reports shall be submitted by the first of every month for the period of the variance.

4. Olin shall submit a report to the Agency on or before March 1, 1978, containing the results of all analyses and monitoring of discharges not previously submitted. The report shall also contain a complete description of the control measures to be adopted by Olin so that full compliance with the Act and Regulations will be achieved. If Olin concludes that the discharges are not causing violations of the Act or Regulations, or that there is no economically and technologically feasible control program for bringing the discharges into compliance, such conclusion and the information substantiating it shall be contained in the report.

5. Within 35 days of the Board's Order herein Olin shall execute and forward to the:

Variance Section
Division of Water Pollution Control
2200 Churchill Road
Springfield, Illinois 62706
Attention: Roger Callaway

a Certification of Acceptance and agreement to be bound to all terms and conditions of the variance. The form of said certification shall be as follows:

CERTIFICATION

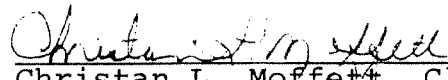
I (We), _____ having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 77-177 hereby accept said Order and agree to be bound to all of the terms and conditions thereof.

SIGNED _____

TITLE _____

DATE _____

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 25th day of November, 1977 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board