ILLINOIS POLLUTION CONTROL BOARD March 17, 1977

OLIN CORPORATION (Joliet),) Petitioner,) v.) PCB 76-328 ENVIRONMENTAL PROTECTION AGENCY,) Respondent.)

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

This matter comes before the Board on a Petition for Variance filed by Olin Corporation (Olin) on December 30, 1976 for its Joliet, Illinois phosphate plant. Olin seeks an extension of a previous variance granted by the Board in PCB 76-45 (May 6, 1976), which allowed Olin until January 1, 1977 to complete construction of its total recycle system to achieve compliance with Water Pollution Regulation 408(a) governing suspended solids. Olin has incorporated by reference into this case its petitions previously filed in PCB 72-253, PCB 74-482, and PCB 76-45. The Agency filed its Recommendation on February 23, 1977.

The essence of Olin's petition is that an extension of the PCB 76-45 Variance is needed due to a strike at its plant which lasted from October 31, 1976 until December 9, 1976. However, the strike period further caused the loss of the remainder of the 1976 construction season. Olin therefore seeks the extension of the January 1, 1977 compliance date to June 30, 1977. The Board finds that based upon the record in this case a failure to grant the requested variance would place an arbitrary or unreasonable hardship upon Olin. However, the Agency, in its Recommendation, suggests that not all wastewater sources at Olin's plant are currently in compliance or on compliance plans. The Board's Order of May 6, 1976 required Olin to identify all wastewater sources and submit compliance plans to the Agency.

The Board will condition the grant of this Variance on the submission of an amended compliance plan to include the questioned wastewater sources tributary to Olin's storm drainage systems. This Opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

The Board hereby grants Olin Corporation a Variance from Water Pollution Regulation 408(a) (suspended solids) from January 2, 1977 to and including June 30, 1977 to allow the construction of a total recycle system at its Joliet, Illinois phosphate plant subject to the following conditions:

- A. Petitioner shall apply for and obtain all necessary permits. (eg: permits which may be required in eliminating Petitioner's contaminated storm flows).
- B. Petitioner shall submit to the Agency for approval by March 30, 1977, an amended compliance plan indicating: all wastewater sources which are tributary to Petitioner's storm drainage systems; methods for eliminating these contaminated wastewater sources or for providing sufficient treatment to comply with Chapter 3 effluent standards; and a compliance timetable to be approved by the Agency.
- C. Petitioner shall submit monthly compliance reports on the last day of each month to the Agency.
- D. That Petitioner shall, within 28 days after the date of the Board order herein, execute and forward to the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Il., 62706, and to the Illinois Pollution Control Board, 309 West Washington Street, Chicago, Il., 60606, a Certificate of Acceptance and agreement to be bound to all terms and conditions of the variance.

CERTIFICATION

The Olin Corporation, having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 76-328, hereby accepts said Order and agrees to be bound by all of the terms and conditions thereof.

SIGNED	
TITLE	
11100	
DATE	

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 17^{12} day of March, 1977 by a vote of 4-0.

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Illinois Pollution Control Board