

ILLINOIS POLLUTION CONTROL BOARD
July 17, 1975

ALLIED CHEMICAL CORPORATION,)
)
 Petitioner,)
)
 vs.) PCB 75-69
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

Allied Chemical Corporation filed Motion for Reconsideration requesting that the Pollution Control Board modify its Order of May 8, 1975 to allow a variance from the pH requirements of Rule 408(a) of the Water Pollution Control Regulations until April 1, 1976. In PCB 75-69 Allied sought, inter alia, extension of the pH variance which had previously been granted by the Board in PCB 73-382 (Order NO. 4). Although Allied adequately addressed the remaining issues of PCB 75-69, the Board determined that neither Allied nor the Agency had provided a sufficient basis upon which extension of the prior variance, as it related to pH, could be granted.

Allied apologizes in the instant Motion for failure to directly address the pH issue, stating that it had erroneously assumed that the continued need for the pH variance was self-evident. In explanation, Allied submits it was unaware that data contained in monthly monitoring reports submitted to the Environmental Protection Agency may not have been reviewed by the Board. For the record, the Board notes that said reports were not available for inspection by the Board at the time PCB 75-69 was under review.

In support of its Motion for Reconsideration, Allied has now provided information relative to the pH question. The Agency deems the information contained in pages 4 through 6 of the Motion as "new facts" with which Petitioner seeks to obtain a different decision by the Board. Submission of new facts after the close of the record and after the Board has rendered its Opinion and Order is improper, according to the Agency, and is tantamount to a new petition for variance. However, the Agency

recommends that the variance be extended for the reason that it was originally understood that the variance should be in effect until completion of the pollution control project.

In Item II of Allied's Petition for Extension of Variance, Allied stated that "the quantity and type of wastes discharged by the Petitioner is substantially unchanged from that described in our September 5, 1973 petition to the Board". Having reviewed the information in the instant Motion at pages 4 through 6, it is the Board's opinion that the Motion for Reconsideration merely expands upon Item II of the Petition for Extension and does not constitute "new material".

At page 5 of the Opinion in PCB 75-69 the Board noted that Allied had ceased discharging 95% sulfuric acid into the drainage channels on August 1, 1974. For this reason the Board thought it reasonable to now expect Allied to comply with the 5-10 range for pH as specified in Rule 408. However, it appears that the sulfuric acid discharge constituted only a small portion (6%) of the total acid discharge to the drainage channels. Since substantial quantities of other acids and alkalies are present in the streams, removal of the 95% sulfuric acid would not have a significant effect on the pH range found in the discharge channels. Samples taken subsequent to August 1, 1974, as reported to the Agency, confirmed this.

Allied states that its water pollution abatement program now underway is designed to solve its fluoride, acid and alkaline problems simultaneously. Even completion of the "U" recovery recycle project on March 31, 1975 has, and is projected to have, only a negligible effect on the pH values of Outfall 002. Because of this integrated approach to achieve compliance, Allied states that it will not be able to meet the pH criteria of Rule 408(a) until completion of the total abatement program on April 1, 1976.

Having carefully reviewed the information in Allied's Motion for Reconsideration and the Agency's Response, the Board finds that Allied has sufficiently clarified the record as it pertains to pH so as to allow the granting of a variance from the pH requirements of Rule 408(a). The Motion for Reconsideration will be allowed and the Order in PCB 75-69 will be modified accordingly.

This Opinion constitutes the findings of fact and conclusions of law of the Illinois Pollution Control Board.

ORDER

It is the Order of the Pollution Control Board that Items 1A, 1B and 6 of the Order of the Pollution Control Board entered on May 8, 1975 in Allied Chemical Corporation vs. Environmental Protection Agency, PCB 75-69 be amended as follows:

1. Item 1A is amended to read:
 - 1A. Effluent in the 001 discharge shall not exceed:
 - i. 45 mg/l fluoride on a daily average
 - ii. 90 mg/l suspended solids on a daily average nor 60 mg/l on a monthly average
 - iii. a pH of 13.8 nor be lower than 5.0.
2. Item 1B is amended to read:
 - 1B. Effluent in the 002 discharge shall not exceed:
 - i. 545 mg/l fluoride on a daily average nor 425 mg/l on a monthly average
 - ii. 200 mg/l suspended solids on a daily average nor 110 mg/l on a monthly average
 - iii. a pH of 10.4 nor be lower than 1.8.
3. Item No. 6 is amended to read:
 6. Variance from Rule 921(a) of the Water Pollution Control Regulations is denied.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted the 17th day of July, 1975 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board