

ILLINOIS POLLUTION CONTROL BOARD  
January 8, 1976

REPUBLIC STEEL CORPORATION, )  
 )  
 Petitioner, )  
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 )  
 )  
 v. ) PCB 74-481  
 )  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Respondent. )

CONCURRING OPINION (by Mr. Dumelle):

One of my reasons for concurring in this action is that the time of compliance is already past. Under the Settlement in the Circuit Court cases cited (p. 2 of Opinion) compliance was to be achieved by December 31, 1975. All this action does now is to protect Republic Steel from retrospective Agency prosecution. The company should have been in compliance on December 31, 1973.

The record is not adequate on the question of cyanide discharges and their effects upon Lake Michigan as far as the Chicago drinking water intakes or beaches are concerned. Discharges as high as 0.8 mg/l of cyanide have occurred (Petition, p. 5) which is 400% times the drinking water standard of 0.2 mg/l. But these values are based upon "weekly 24-hour composite samples" (Petition, p. 5) and thus shorter period "slug" discharges could have been much higher in strength.

The Calumet River at times drains to Lake Michigan. If no dilution water is being drawn through the O'Brien Locks, the inflow to the River of effluents such as Republic's must necessarily result in a lakeward flow. Or precipitation might cause storm flows from nearby drained areas to contribute to flow reversals of the Calumet River perhaps even with simultaneous O'Brien Locks water demand.

A recent study, "Water Pollution Investigation: Calumet Area of Lake Michigan", October 1974, was done by Dr. Richard H. Snow of the IIT Research Institute under U.S. Environmental Protection Agency funding. The following statement appears in the report.

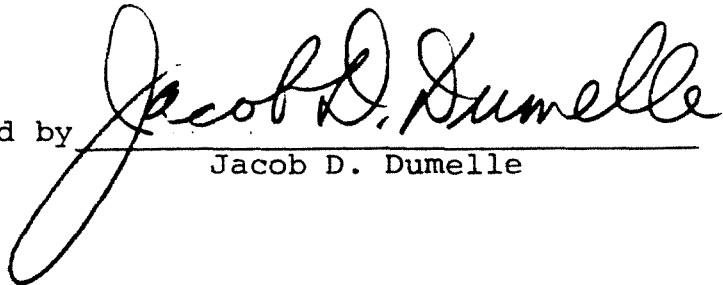
The Calumet River is also polluted, but its flow is reversed so that it does not normally drain to Lake Michigan. Flow in the Calumet River is controlled by the O'Brien Lock and is directed to the Cal-Sag Channel except during periods of heavy flooding or very low lake levels. Outward flow can also occur if effluent from Lever Bros. through Wolf Lake exceeds the flow through O'Brien Locks. Just at the mouth of the Calumet River the flow is usually outward, because U.S. Steel Company discharges water from the Lake into the south slip just inside the River mouth (Technical Committee 1970). (p.6). (emphasis added)

Thus, the record in this case is not adequate to determine if Chicago drinking water cyanide levels were excessive because of Republic. It would have been a simple matter to include Chicago water system data in this record but it was not done. And no data are presented on cyanide levels at the beaches near the mouth of the Calumet River.

The reasons for the 2-year delay in Republic's compliance, from December 31, 1973 to the present December 31, 1975, are not clear. And the various Circuit Court cases are not binding upon this Board since it was not a party.

All things considered I concur in this decision reluctantly and only to prevent a grant of the variance by operation of law.

Submitted by



Jacob D. Dumelle

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Concurring Opinion was submitted on the 19<sup>th</sup> day of April, 1976.



Christian L. Moffett, Clerk  
Illinois Pollution Control Board