

ILLINOIS POLLUTION CONTROL BOARD
November 23, 1977

IN THE MATTER OF:)
)
WATER QUALITY AMENDMENTS,) R74-1, -8, -9
HEXANE SOLUBLES)

SUPPLEMENTAL OPINION OF THE BOARD (by Mr. Goodman):*

On September 29, 1977, the Board ordered that a Proposed Final Draft of Amendments to Rule 408(a) of Chapter 3: Water Pollution (concerning hexane solubles) be published, and made allowance for a 45 day public comment period. At the same time, the Board adopted an Opinion in this matter.

The Board's Order, with the Proposed Final Draft in this matter, was published in Environmental Register #157, dated October 17, 1977. Since that Order was entered, only two comments have been received: the Metropolitan Sanitary District of Greater Chicago (MSD) filed written comments on November 22, 1977, pursuant to leave granted by the Hearing Officer, and E. I. duPont deNemours and Company has communicated with the Board in several telephone conversations.

Turning first to the comments of MSD, we agree that polar materials, while "more readily biodegradable", (Opinion of September 29, 1977, at 8), are not necessarily totally biodegradable, or totally removed by municipal sewage treatment. As we noted in our Opinion, the general correlation between polar materials and biodegradability is sufficient to justify a measurement and regulatory distinction between polar and non-polar material. We need not go beyond that finding, and do not.


MSD also apparently expressed concern that our findings and Order in this matter might, somehow, affect its pre-treatment standards for fats, oils or greases. On the contrary, our decision in this matter affects in no way the authority of MSD to regulate discharges to its sewer system. No such proposal was before us, and we noted in our September 29 Opinion (at 10) that, "we cannot assume that municipal dischargers will in fact eliminate sewer discharge ordinances..."

*The Board wishes to thank Vincent P. Flood, Jr., Attorney, Hearing Officer in this matter, for his assistance in the preparation and drafting of this Opinion and Order.

The comments by duPont concern the use of the word "Freon" in the Proposed Final Draft of the Amendments to Rule 408(a). DuPont alleged that "Freon" is a duPont trademark, and objected to our "generic" use of the term in the Proposed Final Draft. Our September 29, 1977 Opinion noted that freon designates the solvent trichlorotrifluoroethane, used in various test procedures to determine compliance with the proposed standards. Since we have no wish to infringe on any duPont trademark, and since the term "Freon extractable material" is not necessary for definition purposes, we shall substitute (as shown in our separate Order) the broader term, "oil, fats and greases", consistent with the testimony presented at hearing in this matter.

We shall, therefore, adopt as our final Order in this matter the Proposed Final Order of September 29, 1977, with the change noted above.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Supplemental was adopted on the 23rd day of November, 1977 by a vote of 5-0.


Christan L. Mcffett, Clerk
Illinois Pollution Control Board