

ILLINOIS POLLUTION CONTROL BOARD
October 4, 1979

UNION CHEMICAL DIVISION,)
UNION OIL COMPANY OF CALIFORNIA,)
)
Petitioner,)
)
v.) PCB 79-156
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

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

Petitioner has requested a variance from Rules 203(d), 402 as it pertains to dissolved oxygen, 962(a), 902(i)(1) and 404(f) of Chapter 3: Water Pollution. The Agency has recommended that a variance be granted. No hearing was held.

Petitioner operates a polymer manufacturing plant near Lemont which discharges storm water and treated sanitary and industrial wastewater into the Illinois and Michigan Canal. Petitioner would not have needed this relief if it had not been inadvertently omitted from the list of affected dischargers in Village of Bloomingdale v. EPA, PCB 78-124, 31 PCB 125, October 19, 1978. Petitioner has asked and the Board agrees that the record from the Bloomingdale proceeding be incorporated into this matter.

Petitioner has indicated that it can meet the 10 mg/l BOD and 12 mg/l suspended solids effluent limitations which were applied to the majority of dischargers in Bloomingdale.

Without a variance Petitioner's only alternative is termination of its discharge or construction of additional treatment facilities to eliminate all deoxygenating wastes. Petitioner contends that the hardship and expense associated with this alternative far outweighs any environmental improvement which would result.

Petitioner has not shown any need for relief to obtain a permit under Subpart B of Part IX of Chapter 3. Consequently the Agency has recommended and the Board agrees that relief from Rule 962(a) is unwarranted.

The Board concludes that denial of a variance from the remaining rules would constitute arbitrary or unreasonable hardship.

The reasoning in Bloomingtondale must be employed in this matter to avoid inequitable results. Relief will also be granted from Rules 910(a)(4) and 910(b) so that the Agency may issue a NPDES permit to Petitioner. Rather than grant relief for five years as Petitioner has requested, the Board will limit this variance to the same term as Bloomingtondale for consistency.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

- 1) Petitioner is hereby granted a variance from Rules 203(d), 402 (as it pertains to dissolved oxygen), 902(i)(1), 910(a)(4) and 910(b) of Chapter 3: Water Pollution, until October 19, 1983.
- 2) Petitioner is hereby granted a variance from Rule 404(f) of Chapter 3: Water Pollution until October 19, 1983 or until the Board takes final action in R77-12, Docket C, whichever occurs first.
- 3) During the term of this variance the discharge of treated sewage from Petitioner's facilities shall be limited to 10 mg/l BOD and 12 mg/l suspended solids as 30 day averages.
- 4) The Agency is hereby authorized to issue a NPDES permit to Petitioner in a manner consistent with the terms of this Order including terms and conditions consistent with best practicable treatment, operation and maintenance of Petitioner's facilities.
- 5) Within 45 days of the date of this Order, Petitioner shall execute a Certification of acceptance and agreement to be bound by all the terms and conditions of this variance. The Certification shall be forwarded to the Illinois Environmental Protection Agency, Division of Water Pollution Control, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706. This 45 day period shall be held in abeyance if this matter is appealed. The form of the Certification shall read as follows:

CERTIFICATION

I (We), _____, having read and fully understanding the Order in 79-156 hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED _____

TITLE _____

DATE _____

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted on the 4th day of October, 1979 by a vote of 4-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board