

ILLINOIS POLLUTION CONTROL BOARD
June 22, 1978

MOBIL OIL CORPORATION,)	
)	
Petitioner,)	
)	
v.)	PCB 77-277
)	
ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
Respondent.)	

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

This case is before the Board upon a petition for variance filed by Mobil Oil Corporation (Mobil) on October 24, 1977. Mobil seeks a variance from Rule 408(a) and 1002 of the Board's Water Pollution Regulations for its discharge of cyanide, until January 25, 1979. The Board has granted the Petitioner similar variances on four other occasions, as indicated in the table below:

<u>Proceeding</u>	<u>Duration of Variance</u>	<u>Interim CN Standard</u>
PCB 73-452 13 PCB 179 (1974)	7/25/74 - 1/25/75	Monthly avg. - .5 mg/l Daily max. - .8 mg/l
PCB 74-393 15 PCB 253 (1975)	1/25/75 - 1/24/76	Monthly avg. - .3 mg/l Daily max. - .5 mg/l
PCB 75-420 19 PCB 524	1/25/76 - 1/24/77	Monthly avg. - .2 mg/l Daily max. - .32 mg/l
PCB 76-272 24 PCB 695	1/24/77 - 1/24/78	Monthly avg. - .2 mg/l Daily max. - .37 mg/l

Mobil requests a one year extension of this set of variances to allow continuation of research on technology suitable for achievement of the Rule 408(a) effluent standard of .025 mg/l for cyanide.

The subject of this petition is Mobil's refining facility on the Des Plaines River. The factual background for the petition has been discussed in the previous opinions cited supra, which are incorporated in the record of this proceeding. The arbitrary and unreasonable hardship which is alleged in support of the petition continues to be based on the absence of a technologically feasible method for consistent compliance with the .025 mg/l standard despite continuous research efforts by Mobil to develop such technology.

In conjunction with the variance extension Mobil requests interim cyanide effluent standards of 0.3 mg/l monthly average and 0.5 mg/l daily maximum. These were the interim standards used in conjunction with the variance granted in PCB 74-393 (15 PCB 253 (1975)). Mobil contends that these standards will insure that no prosecutorial action is required, while adequately maintaining Des Plaines River water quality.

The Agency in its recommendation favors granting the variance extension conditioned upon maintaining the same interim standards as were imposed in the most recent variance (PCB 76-272), i.e., 0.2 mg/l monthly average, 0.37 mg/l daily maximum. The Agency considers the more stringent standards appropriate because they correspond more closely to Mobil's current treatment capability.

The Board agrees with the Agency that an extension of the variance is warranted. Consistent compliance with the Rule 408 (a) effluent standard for cyanide is still not technologically feasible despite Mobil's continuing good faith efforts to develop the necessary technology. In addition, the cyanide effluent standard is currently the subject of a proposed rule modification (R74-15, 16). In light of these factors it would be arbitrary and unreasonable to force compliance at this time. Nevertheless the Board will grant the variance only until January 24, 1979, or until any rule modification is adopted in R74-15, -16, whichever occurs first, so that Mobil may reapply for a variance and the Board may reevaluate the situation in light of any change which may be adopted.

The Board also agrees that the interim cyanide effluent standards to be imposed ought to remain at 0.2 mg/l monthly average and 0.37 mg/l daily maximum. Based on Mobil's effluent monitoring data for 1977, these standards most accurately reflect current treatment capability and will provide Mobil with motivation to continue its research program.

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

ORDER

It is the Order of the Pollution Control Board that Mobil Oil Corporation be granted a variance from Rule 408(a) as it pertains to cyanide, and Rule 1002 of Chapter 3, until January 24, 1979, or adoption of new cyanide standards, if any, in R74-15, -16, whichever occurs first, subject to the following conditions:

1. Petitioner's cyanide effluent concentration shall not exceed a monthly average of 0.2 mg/l or a maximum of 0.37 mg/l at any time, during the period of this variance as determined by 24 hour composite samples.
2. Petitioner shall continue its efforts to develop a cyanide effluent control program to reduce its cyanide effluent concentration to .025 mg/l, or such other effluent standard as may be established by the Board.
3. Petitioner shall continue to file bi-monthly progress reports with the Agency, said reports to include but not be limited to:
 - a. progress on all compliance methods being pursued by Petitioner;
 - b. any and all records of cyanide concentration in the Petitioner's effluent; at least four composite samples shall be run per week; and
 - c. any and all records of cyanide concentrations at the edge of the mixing zone; at least one determination shall be run per month.
4. Within 45 days of the adoption of this Order, Mobil Oil Corporation shall execute and forward to both the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 and the Pollution Control Board a Certification of Acceptance and Agreement to be bound to all terms and

conditions of this Order. The 45 day period shall be held in abeyance during any period this matter is being appealed. The form of said certification shall be as follows:

CERTIFICATION

I (We), _____ having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 77-277 hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

SIGNED _____

TITLE _____

DATE _____

The Agency, pursuant to Rule 914 of Chapter 3, shall modify Mobil Oil Corporation's NPDES permit consistent with the conditions set forth in this Order.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 22nd day of June, 1978 by a vote of 5-0.

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