

ILLINOIS POLLUTION CONTROL BOARD
March 30, 1978

OLIN CORPORATION,)
)
) Petitioner,)
)
)
) v.) PCB 78-6
)
)
) ENVIRONMENTAL PROTECTION)
) AGENCY,)
)
) Respondent.)

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

Petitioner seeks an extension of a variance from Rule 408(a) of Chapter 3: Water Pollution granted by the Board in PCB 76-328. The present variance for suspended solids expired on June 30, 1977. The petition seeks an extension until June 30, 1978. The Agency Recommendation filed on February 24, 1978, supports the grant of a variance.

Beginning in 1971, the Petitioner adopted a water pollution abatement program for its phosphate manufacturing facility in Joliet. The history of this effort has been chronicled in detail in the variance cases of PCB 72-253, 73-82, 74-492, 76-45 and 76-328. Briefly, the Petitioner originally discharged into the Des Plaines River from two sources - the main plant sewer which carried process and sanitary wastewater and a gypsum pond which occasionally overflowed into the river. Past variances dealt with the main plant sewer system.

In PCB 74-492, it was found that clarifier equipment installed previously could not reach 408(a) standards since the system depended on an even flow rate. The Petitioner was ordered to submit a compliance plan investigating the use of filtration and other equipment. Although not part of the original proposal, the Petitioner began installation of a total recycle system in an effort to meet 408(a) standards. The recycle system, and difficulties in installation, formed the rationale for the variances granted in PCB 76-45 (granted until January 1, 1977) and PCB 76-328. Additionally in PCB 76-328, the Board ordered the Petitioner to

submit a compliance plan for all wastewater sources tributary to Petitioner's storm drainage system. Olin has identified approximately 40 projects involving cleanup of the plant storm sewer system. All but three are completed and the remaining three were scheduled for completion by January 31, 1978.

The Petitioner does not seek additional time in regard to the total recycle system as the requirement for completion and operation was achieved by June 30, 1977. Nor does it appear from the variance petition that the extension is related to the completion of the three remaining storm drainage projects. Rather the Petitioner proposes to use the period until June 30, 1978 to identify additional sources of spills and contamination into the storm sewer system and implement control programs. Possible contamination is believed to be resulting from spills from the process storage tanks.

The Agency, however, indicated that such a program would not result in appreciable improvements in contaminant levels. The Board recognizes the efforts of Petitioner to ameliorate the sources of contamination to the Des Plaines River. The time has come, however, to investigate and implement only those solutions likely to achieve compliance. "Investigation" must mean more than merely buying time. The Agency recommends, and the Board agrees, that further investigation should be directed to a compliance program that includes possible diversion of extraneous storm water and treatment or recycle of discharges to the Des Plaines River.

In granting a variance beyond July 1, 1977, the Board questions compliance with federal effluent limitation deadlines established in the Clean Water Act at 33 USC §1311. This issue was raised by neither side in the instant case. The Board finds that it is the responsibility of the Petitioner to show compliance.

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

ORDER

It is the Order of the Pollution Control Board that:

1. Petitioner is granted a variance until September 30, 1978 from Rule 408(a) (suspended solids) in

Chapter 3: Water Pollution subject to the following conditions.

- a. Petitioner shall apply for and obtain all necessary permits as may be required for eliminating contaminated storm flows.
- b. Petitioner shall submit to the Agency for approval by June 30, 1978 an amended compliance plan indicating: all wastewater sources including spills which are tributary to Petitioner's storm drainage systems, methods to eliminate or treat these contaminated wastewater sources in order to comply with Chapter 3 effluent standards, and a compliance timetable to be approved by the Agency.
- c. Petitioner shall furnish to the Board and the Agency within 30 days of the date of this Order information indicating compliance with federal guidelines or qualification for a waiver under the Clean Water Act of 1977 amendments.
- d. Petitioner shall submit monthly compliance reports on the last day of each month to the Agency.
- e. Within 45 days of the date of this Order, the Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Variance Section, Manager, 2200 Churchill Road, Springfield, Illinois 62706, a Certification of Acceptance and Agreement to be bound by all terms and conditions of the variance. This 45 day period shall be held in abeyance for any period during which 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 78-6 hereby accepts that Order and agree to be bound by all of the terms and conditions thereof.

SIGNED _____

TITLE _____

DATE _____

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 30th day of March, 1978 by a vote of 5-0.

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