

ILLINOIS POLLUTION CONTROL BOARD
February 19, 1976

THE FLINTKOTE COMPANY,)
)
 Petitioner,)
)
 v.) PCB 75-381
)
)
ENVIRONMENTAL PROTECTION)
AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by Mr. Goodman):

This matter comes before the Board upon the February 2, 1976 Motion by the Flintkote Company (Flintkote) to modify the Board's Order of January 8, 1976, herein.

Upon the consideration of the entire record in this case the Board finds that its Order of January 8, 1976, is not arbitrary and is supported by the record. Flintkote misreads the intent of the variance section of the Environmental Protection Act (Act). The Board does not grant variances with the intent to cover emergency situations such as those presented in the record by Flintkote for the purpose of justifying effluent volume of 125,000 gallons per day (R 59).

As was stated in the Opinion, the Board will hold Flintkote to their current level of discharge while they are perfecting their chemical control of the process water. At the time the Order was entered the limitations therein were somewhat above Flintkote's performance as indicated in their Exhibit #1. Flintkote's results, as tendered to the Board subsequent to the January 8, 1976, Order, indicate that indeed those limitations still reflect their current operation inasmuch as their only excursion above those limits amounted to some 3 pounds per day of suspended solids.

The original variance granted in PCB 74-89 included variance from a number of sections of the Water Regulations, but only as those Regulations relate to the discharge of BOD and suspended solids. The Board therefore finds no reason to extend variance from these Regulations inasmuch as the Board has set special BOD and suspended solid

limits for Flintkote's effluent. In addition, the former variance was concerned with a much wider set of experimental criteria. Flintkote is now in a refining posture and therefore does not need the wide latitude offered in PCB 74-89.

The Board finds that Flintkote's anxiety concerning the color and turbidity of the effluent may have some merit and therefore will modify the Order to the extent that Flintkote will be granted variance from that portion of Rule 403 of the Water Regulations entitled Offensive Discharges. Therefore paragraph 1 of the January 8, 1976 Order herein is hereby modified to read as follows:

1. Flintkote is hereby granted variance until September 1, 1976, for its discharge of process waters at the Mt. Carmel facility from Section 12(a) of the Act as it relates to BOD and suspended solids, from Rule 403, and Rules 404(a) and 408(a) as they pertain to cyanide subject to the following conditions....

IT IS SO ORDERED.

Mr. Young abstains.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 19th day of February, 1976 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board