

ILLINOIS POLLUTION CONTROL BOARD
June 10, 1981

TRAVENOL LABORATORIES, INC.,)
)
 Petitioner,)
)
 v.) PCB 80-207
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
 Respondent.)

SUPPLEMENTAL OPINION AND ORDER OF THE BOARD (by D. Satchell):

On April 19, 1981 Travenol Laboratories, Inc. (Travenol) filed a motion for modification of the Board's Opinion and Order of March 5, 1981 which granted Travenol a variance from Rule 702 of Chapter 3: Water Pollution, concerning discharge of mercury to sewers from Travenol's pharmaceutical research and development facility in Morton Grove. On May 27, 1981 Travenol provided additional information in response to a Board Order entered May 14, 1981. The Illinois Environmental Protection Agency (Agency) has not responded to the motion for modification.

Travenol asks that the Board: order it to monitor on the basis of time weighted composites; require reporting on a quarterly rather than a monthly basis; delete the mass discharge standard for Sewer 2A; delete effluent limitations for grab samples; and, change the method of interpretation of daily effluent limitations.

Travenol asks that the Board delete the requirement of monitoring by grab samples. There is no requirement for monitoring by grab samples. The petition and recommendation were vague as to the method of monitoring, failing to specify whether Travenol was to take grab samples or daily composites for each sewer. The Board ordered neither, but provided a method of interpreting the effluent limitations for each case on the assumption the parties knew what they were doing. Because it is now clear that grab samples are not regularly taken, the Board will delete the effluent limitations for grab samples.

The parties are confused as to the difference between the reporting and monitoring requirements and the effluent limitations of the variance. The Board will clarify the distinction. Both conditions are satisfied if a complying sample is properly reported, both are violated if a noncomplying sample is not reported. If a complying sample is not reported, only the monitoring requirement is violated. If a noncomplying sample is properly reported, only the effluent limitation is violated.

The Board did not include any requirement that monitoring be by flow weighted composite. The specification that compliance with daily effluent limitations be based on flow weighted composites was intended to protect Travenol from apparent violations of the effluent limitations based on compositing methods not reflecting flow. However, since Travenol is unconcerned, the Order will be modified to base effluent limitations on time weighted composites and to require monitoring by time weighted composite.

Travenol asks that the mass discharge limitation for Sewer 2A be deleted as impractical. Travenol has found that its sewer slope is too gradual to provide the minimum velocity needed for automatic flow measurement. There is no explanation as to why this was omitted from the petition or how flows were measured during the preceding variance. The Board will nevertheless delete the mass discharge limitation for Sewer 2A as requested.

In connection with the motion, Travenol has prepared a statistical analysis of its past data. These indicate that it can meet with more than 99% confidence annual averages of 0.003, 0.005, 0.001 and 0.001 for Sewers 1A, 2A, 3A and 4A, respectively. The Board accepts this analysis and will modify the monthly standards accordingly. Again there is no explanation as to why this material was omitted from the petition [Procedural Rule 401(a)(10)].

In evaluating the data attached to the original petition, it was assumed they represented grab samples. Instead, they represent daily composites. The variability exhibited in the data is therefore more significant. Travenol's statistical analysis predicts levels for daily composites which can be achieved with 99% confidence only 70% of the time. Because of occasional very high values, the distribution of composites is broad. A daily maximum which would indicate with certainty an underlying violation of the annual average would be very large. Travenol requests a lower daily maximum for Sewers 1A, 3A and 4A which are to be met a least 70% of the time. The Board will modify the variance Order to provide this.

The Opinion of March 5, 1981 is modified by addition of the foregoing language. The Order is withdrawn and the following language substituted. This supplemental Opinion and Order, together with the Opinion of March 5, 1981, constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

Petitioner Travenol Laboratories, Inc. is granted for its pharmaceutical research and development facility in Morton Grove a variance from Rule 702(a) of Chapter 3: Water Pollution, subject to the following conditions:

1. This variance will expire March 5, 1986.

2. Petitioner shall meet the following effluent limitations for discharges 1A, 2A, 3A and 4A:

	<u>mg/l Mercury</u>	
	<u>Annual Average</u>	<u>Daily Composite</u>
1A	.003	.006*
2A	.005	.008*
3A	.001	.002
4A	.001	.002*

*To be met at least 70% of the time.

3. Petitioner shall monitor the discharge from 1A, 3A and 4A once per month.

4. Petitioner shall monitor the discharge from 2A on two days each month.

5. Monitoring shall be by time weighted composites consisting of a combination of twenty-four aliquots of equal volume taken hourly over a 24-hour period. Composites shall be taken during periods representative of typical operations. Petitioner may take more composites than required but must report the results of all composites made during each quarterly monitoring period.

6. Within forty-five days of the end of each calendar quarter, Petitioner shall forward to the Illinois Environmental Protection Agency and the Metropolitan Sanitary District of Greater Chicago the results of analysis of all samples taken during the previous quarter. The report for the fourth quarter of each calendar year shall include a summary of the previous year's results, including annual averages of all samples taken.

7. Petitioner shall continue employee training programs for the proper handling and disposal of mercury and mercury-containing compounds.

8. Petitioner shall keep abreast of released research and development in the area of mercury control and evaluate its suitability for its Morton Grove facility.

9. Petitioner shall enforce standard operating procedures designed to prevent spillage and/or disposal of mercury and mercury-containing compounds into the sanitary system, including the use of Baker Kits or equivalent to clean future mercury spills and the use of dry ice-acetone to freeze the mercury metal as an aid to clean-up.

10. Within forty-five days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period this matter is being appealed. The form of the Certificate shall be as follows:

CERTIFICATION

I, (We), _____, having read and fully understanding the Order in PCB 80-207, hereby accept that Order and agree to be bound by all of tis terms and conditions.

SIGNED _____

TITLE _____

DATE _____

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Supplemental Opinion and Order were adopted on the 10th day of June, 1981 by a vote of 4-0.

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