

ILLINOIS POLLUTION CONTROL BOARD
November 29, 1979

TRAVENOL LABORATORIES, INC.,)
)
 Petitioner,)
)
 v.)
)
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
)
 Respondent.)

PCB 79-47

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

This matter comes before the Board upon a petition for variance filed by Travenol Laboratories, Inc. on March 8, 1979. An amended variance petition was filed on July 27, 1979. The Environmental Protection Agency (Agency) filed a recommendation on April 19, 1979. Amended recommendations were filed on August 30, 1979 and September 6, 1979. Petitioner is seeking a variance from the .0005 mg/l standard for mercury discharges into a sewer system of Rule 702(a) of Chapter 3: Water Pollution for a period of one year. Petitioner waived its right to a hearing. Two public objections were received but withdrawn after confusion about the identity of the facility was clarified.

Petitioner, a supplier of pharmaceuticals and medical devices, operates a pharmaceutical research and development facility located at 6301 Lincoln Avenue in Morton Grove, Cook County, Illinois. Petitioner has conducted operations at this location since 1947. The facility employs 743 persons, has an annual payroll of over \$11,700,000 and, for 1977 paid over \$315,000 in local property taxes.

Petitioner uses mercury compounds and instruments containing elemental mercury on a regular basis in various laboratories at the Morton Grove facility in carrying out routine experimental and test procedures. The wastewaters generated by Petitioner are discharged to four separate sewers, 1A, 2A, 3A, and 4A, all of which are connected to Metropolitan Sanitary District (MSD) sewers. These sewers flow into the MSD Northside Treatment Plant which discharges to the North Shore Channel, a tributary of the Chicago River.

Discharges from sewers 2A and 3A, which service laboratory areas, have been cited by the MSD for violation of the mercury limitation established in Rule 702(a). In addition, Petitioner's

own sampling indicates that it intermittently exceeds the same mercury limitation in sewer 1A and 4A. The MSD's North Side Treatment Plant is not in violation.

Petitioner states that during the last twenty-two months continuous efforts have been made to reduce mercury concentration levels in its discharges into sewers 1A, 2A, 3A and 4A. These efforts include: replacement of mercury-containing compounds with alternatives where possible; elimination of mercury and mercury-containing compounds in the sanitary system by institution of a disposal system whereby these substances are collected in special containers, sealed in drums and disposed of in a licensed landfill; cleaning of 176 laboratory sink traps; replacement of 282 sink traps and employee training sessions for the handling of mercury-containing compounds.

Petitioner believes that its mercury concentrations are the result of accumulation from past years as mercury has been plated onto or absorbed in the plumbing and is slowly released into the effluent.

Petitioner's preliminary study indicates that there is no feasible technology for controlling the minute concentrations of mercury in the effluent at its Morton Grove facility and that re-piping would cost over half a million dollars, not including business interruption. Petitioner believes this cost is unreasonable in view of the minute concentration and total quantity of mercury in the discharge.

Currently before the Pollution Control Board is R76-21, an amendment to the Water Pollution Control Regulations which would, if adopted, change the mercury standard to .003 mg/l. The Agency points out that at the present time there is no federally defined BPT standard for Petitioner's discharges.

Petitioner requests a one year variance. During that period Petitioner will continue monitoring discharges and continue employee training and other programs to minimize spillage and encourage proper handling. In addition Petitioner proposes to keep abreast of current research, to consult an outside expert and to report to the Agency within ten months the results of the consultation and research.

The Agency recommends the grant of the variance. The Agency states that it appears any harmful effects to the environment caused by the granting of the variance would be minimal and that there is no feasible technology available to Petitioner to reduce the mercury concentrations in its discharge.

The Board agrees with the Agency and finds that it would cause Petitioner arbitrary and unreasonable hardship if denied this variance. The variance will be granted for one year subject to the Agency's conditions.

This 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 Travenol Laboratories, Inc. is granted a variance from Rule 702(a) of Chapter 3: Water Pollution for a period of one year subject to the following conditions:

1. Petitioner's discharge of mercury from sewers 1A, 3A and 4A shall not exceed an annual average concentration of 0.003 mg/l from each sewer. The discharge from sewer 2A shall not exceed an annual average mass loading of 2.35 grams per day.
2. Petitioner shall monitor discharges from sewers 1A, 3A and 4A on a monthly basis and shall monitor discharges from sewer 2A on a twice monthly basis.
3. Petitioner shall enforce standard operating procedures designed to prevent spillage and/or disposal of mercury and mercury-containing compounds into the sanitary system.
4. Petitioner shall continue employee training programs for the proper handling and disposal of mercury and mercury-containing compounds.
5. Petitioner shall keep abreast of released research and development in the area of mercury control and evaluate their suitability for its Morton Grove facility.
6. Petitioner shall consult with an outside expert in the field of mercury control for the purpose of soliciting ideas for improvements to Petitioner's programs of mercury control.
7. Petitioner shall report to the Agency within ten months of the date of this Order information developed in subparagraphs 5 and 6.

- 8. 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 79-47, hereby accept that Order and agree to be bound by all of its terms and conditions.

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 29th day of November, 1979 by a vote of 4-0.

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