

ILLINOIS POLLUTION CONTROL BOARD
June 7, 1979

ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	PCB 78-219
)	
MARATHON OIL COMPANY, an Ohio)	
Corporation,)	
)	
Respondent.)	

Mr. John Van Vranken, Assistant Attorney General, appeared for the Complainant;
Mr. Delvin C. Menge, Marathon Oil Company, appeared for the Respondent.

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

This matter comes before the Board on a Complaint filed by the Environmental Protection Agency on August 14, 1978, alleging that the Marathon Oil Company failed to comply with numerous daily average and maximum discharge requirements of its NPDES permit from November, 1977, through June 30, 1978, in violation of Section 12(f) of the Environmental Protection Act and Rules 401(a) and 901 of Chapter 3: Water Pollution Regulations. Specifically, the six-count Complaint charged that Respondent exceeded its NPDES permit discharge limitations at its Outfall 001 as follows:

Constituent	Period of Alleged Violation	Alleged Permit Violation
BOD ₅	Nov. 1, 1977 - June 31, 1978 (sic)	Daily Average Discharge
BOD ₅	Nov. 1, 1977 - May 31, 1978	Daily Maximum Discharge
Total Suspended Solids	Nov. 1, 1977 - June 30, 1978	Daily Average Discharge
Total Suspended Solids	Nov. 1, 1977 - June 30, 1978	Daily Maximum Discharge
Chemical Oxygen Demand	Jan. 1, 1978 - Feb. 28, 1978	Daily Maximum Discharge

<u>Constituent</u>	<u>Period of Alleged Violation</u>	<u>Alleged Permit Violation</u>
Oil and Grease	May 1, 1978 - May 31, 1978	Daily Average Discharge
Hexavalent Chromium	Nov. 1, 1977 - May 31, 1978	Daily Average Discharge
Hexavalent Chromium	Nov. 1, 1977 - May 31, 1978	Daily Maximum Discharge
Zinc	Dec. 1, 1977 - March 31, 1978	Daily Maximum Discharge

Hearing was held on April 26, 1979. At that time, a Settlement Agreement, Compliance Plan and Stipulation to Dismiss executed by the parties was submitted for Board approval pursuant to Procedural Rule 331. Attached to the settlement agreement were exhibits detailing the compliance plan and interim effluent limitations which were submitted by Marathon Oil in variance proceeding PCB 78-176 and approved by the Board on February 15, 1979. (Exhibits Ia, Ib, II and IIa).

Marathon Oil owns and operates a petroleum refinery for processing crude oil near the City of Robinson in Crawford County, Illinois. The petroleum refinery is authorized to discharge an average daily flow of 2.5 MGD to an unnamed, intermittent tributary of Sugar Creek, approximately nine miles upstream from the Wabash River. (S. 2).

On April 23, 1976, Marathon Oil was issued NPDES Permit IL0004073 by the USEPA. The Respondent claimed that due to the varying properties of crude oil, climatic conditions and refinery upsets and turnarounds, the refinery's wastewater treatment plant cannot consistently meet its permitted limitations. Respondent admitted that its treatment facility has not controlled the constituents of BOD₅, total suspended solids, chemical oxygen demand, oils and greases, hexavalent chromium and zinc to consistently meet the applicable requirements of its NPDES permit. (S. 4, 5).

The parties to this settlement have agreed that the compliance program and the interim effluent limitations approved by the Board in PCB 78-176, on February 15, 1979, are an adequate remedy to violations alleged in this enforcement action. According to the Board's Opinion and Order in PCB 78-176, Marathon Oil was granted relief from the ammonia nitrogen water quality standards of Rules 203(f) and 402 and effluent limitations for BOD₅ and total suspended solids in Rule 404(f) of Chapter 3, provided that Respondent remove these constituents to specific levels listed in the Board Order.

The variance requires that Respondent's discharge must not cause the water in the unnamed tributary to exceed an ammonia nitrogen standard of 2.5 mg/l from April through October or 6.0 mg/l from November through March. Marathon Oil must also not exceed BOD₅ levels of 17 mg/l as a 30-day average and 20 mg/l as a daily maximum. Furthermore, total suspended solids must not exceed 18 mg/l as a 30-day average and 25 mg/l as a daily maximum. The Board has granted this variance until September 30, 1980, the expiration date of Respondent's NPDES permit.

Marathon Oil has also agreed to implement programs including short and long term measures to identify sources of contaminants and improve treatment quality in its compliance plan. (See Exhibit #1b).

As part of the settlement, Marathon has stipulated to a penalty of \$7,000.00 for all violations alleged in the Complaint and such others which have occurred to and including the filing of the settlement agreement. The parties agree that the penalty reflects the nature and extent of the violations found herein, Respondent's prior efforts and achievements to control its discharge, the impact on the public and the benefits realized as a result of the compliance plan. (S. 5).

The Board will accept the Settlement Agreement, Compliance Plan and Stipulation to Dismiss and the exhibits entered into the record on April 26, 1979. Marathon Oil Company is hereby found in violation of Section 12(f) of the Act and Rules 401(a) and 901 of Chapter 3 for failing to comply with numerous daily average and maximum discharge requirements of its NPDES permit.

The Board has considered the application of the requirements of Section 33(c) of the Act to the facts and circumstances contained in this matter and finds that the settlement to be acceptable under Procedural Rule 331. The Board also finds that \$7,000.00 is a sufficient penalty for the violations found herein and will assess that amount as necessary to the enforcement of the Act.

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

ORDER

1. Respondent, Marathon Oil Company, is found to have violated Section 12(f) of the Environmental Protection Act and Rules 401(a) and 901 of Chapter 3: Water Pollution Regulations for failing on numerous occasions to comply with the daily average and maximum discharge requirements of its NPDES permit.

2. Respondent, Marathon Oil Company, shall adhere to all provisions of the Settlement Agreement and the exhibits which are hereby incorporated by reference as if fully set forth herein.

3. Respondent, Marathon Oil Company, shall pay a penalty of \$7,000.00 within 35 days of this Order. Payment shall be by certified check or money order payable to:

State of Illinois
Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
Springfield, Illinois 62706

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 7th day of June, 1979, by a vote of 5-0.

Christan L. Moffett ^{gcb}
Christan L. Moffett, Clerk
Illinois Pollution Control Board