ILLINOIS POLLUTION CONTROL BOARD July 6, 1978

SANITARY DISTRICT OF De KALB) and De KALB PLATING, INCORPORATED,) Petitioners,)		
v.)	РСВ	7 8- 5
ENVIRONMENTAL PROTECTION AGENCY,)		
Respondent.)		

JAMES D. LEE, OF CLIFFE AND ENGEL, APPEARED FOR THE PETITIONERS; MS. CAROL PEARCE, ASSISTANT ATTORNEY GENERAL, APPEARED FOR THE RESPONDENT.

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

This case is before the Board upon a petition for variance filed by the Sanitary District of De Kalb (District) and De Kalb Plating, Incorporated (Company) on January 4, 1978. In an earlier proceeding, Petitioners were granted a variance from the Board's cyanide regulations of Chapter 3, Rules 408(a) and 703 (a), respectively, until January 31, 1978, or until the final decision in R74-15, -16, whichever occurred first. Petitioners are now requesting an extension of this variance pursuant to Rule 402(a) of the Board's Procedural Rules. Petitioners have waived their right to a hearing in this matter.

The District provides sewage disposal services in the County of De Kalb for an area of approximately 4,500 acres and a population of 35,000. The District treats an average of 3.5 million gallons per day of raw sewage, containing an average of 1.95 pounds per day of cyanide in both free and complex forms. This cyanide comes primarily from the De Kalb Plating Company and Northern Illinois University. The Company discharges an average of 20,000 gallons of effluent per day, and the University discharged 18% of the total flow to the plant in 1976. The flow from the University fluctuates from very low during the summer to around 1,000,000 gallons per day during the school year.

The District discharges the treated sewage into the South Branch of the Kishwaukee River at a point in the stream with a minimum one-in-ten years, seven day average flow of 0.1 CFS. The average dry weather dilution ratio for 1976 was zero.

The District is requesting a variance from the 0.025 mg/l standard established in Rule 408(a) to allow discharges of cyanide not to exceed the following levels: 0.1 mg/l for a 30 day average; 0.2 mg/l for a 24 hour composite sample; and 0.5 mg/l for any instantaneous sample. The Agency recommends granting the variance. In support of its position, the Agency notes that there is no environmental harm expected as a result of granting this variance and that the imminence of final decision in R74-15, -16 also justifies this action.

The Company is in the metal finishing business, providing plating and other metal finishing services on various metal materials. The Company serves local industries in the De Kalb-Sycamore area and provides services to customers within a 50 mile radius of De Kalb.

The Company is requesting that the Board's Order of October 13, 1977 (PCB 77-169) be extended for 90 days, in which time the Plating Company can comply with Sanitary District Ordinance No. 199. This Ordinance requires the Plating Company to limit its sewer discharges to 1.16 mg/l of cyanide. The Agency recommends that this request be denied, citing a failure on the part of the Company to provide data and to explain its program for compliance. The Agency notes that the District will only be able to comply with its 0.1 mg/l effluent standard if the Company meets a 1.16 mg/l cyanide standard.

The Board finds that the granting of the District's request is warranted. The Board agrees with the Agency that no environmental harm should be expected as a result of granting this request. In light of the pendency of R74-15, -16, and in order to eliminate the need to refile for yet another extension, the Board grants this variance for one year from the date of this Opinion, or until final decision in R74-15, 16, whichever occurs first.

However, the Board agrees with the Agency that the Company's request should be denied. As the Agency noted, compliance with Ordinance No. 199 must occur irrespective of when final decision occurs in R74-15, -16. Since the Company has failed to provide pertinent information, its request must be denied.

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

ORDER

It is the Order of the Pollution Control Board that:

- 1. De Kalb Plating, Incorporated's request for an extension of Board Order, PCB 77-169, be denied.
- 2. The Sanitary District of De Kalb's request for a variance from Rule 408(a) of the Board's Water Pollution regulations be granted, subject to the following conditions:
 - A. Said variance shall extend no longer than one year from the date of this Order, or until the final decision in R74-15, -16, whichever shall occur first.
 - B. The District's total cyanide effluent discharge to the South Branch of the Kishwaukee River shall not exceed 0.1 mg/l for any 30 day average, 0.2 mg/l for any 24 hour composite sample and 0.5 mg/l for any instantaneous sample.
 - C. Within 45 days of the adoption of this Order, the Sanitary District of De Kalb and De Kalb Plating, Incorporated shall execute and forward to the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 a Certification of Acceptance and Agreement to be bound to all terms and conditions of this Order. The 45 day period shall be held in abeyance during any period 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 78-5 hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

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TITLE			
DATE_			· Marine III Anno Anno Anno Anno Anno Anno Anno

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the day of ______, 1978 by a vote of ______.

Christan L. Moffet Clerk

Illinois Pollution Control Board