

ILLINOIS POLLUTION CONTROL BOARD
November 1, 1979

SIMMONS REFINING COMPANY,)
)
 Petitioner,)
)
 v.) PCB 79-73
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

On April 6, 1979 Petitioner filed for a variance from the limitations on the discharge of mercury into a sewer system in Rule 702(a) of Chapter 3: Water Pollution. An Amended Petition was filed on August 20, 1979. The Agency has recommended that a variance be granted for two years, subject to conditions. Petitioner has accepted this recommendation. No hearing was held.

Petitioner's discharge of mercury, resulting from the processing of scrap metals, exceeded amounts contained in the ordinance of The Metropolitan Sanitary District of Greater Chicago (MSD) Sewer and Waste Division and Rule 702(a). In September of 1977, MSD informed Petitioner that measurements of mercury indicated a discharge of up to 26.3 ug/l. Petitioner does not use mercury in any of its processes. However, reagents used in the refining process may be a possible source of mercury contamination. The mercury contamination occurred on a basis which could not be predicted either with respect to the occurrence, or the resultant mercury level. Petitioner, in cooperation with MSD, attempted to minimize the amount of mercury discharged by altering in-house practices and seeking out a pollution control equipment manufacturer which had a system or process available to reliably meet MSD and Board requirements. Neither the MSD suggestion of the "Ventron" system for mercury removal nor that of Charles Licht Engineering Associates, Inc. could guarantee that Petitioner would meet the Rule 702 requirement of less than 0.0005 mg/l as Hg at any time. Furthermore, Petitioner has been advised that the search for a viable system will continue, but that, to date, no system appears to be available to do the job.

In its Amended Petition for Variance, Petitioner proposes that a five year variance be granted, as was requested in its original petition. Petitioner adds, however, that if no new technology exists after two years, Petitioner will follow the recommendation of Patterson Associates, Incorporated,

environmental consultants, for interim controls. Patterson recommended the coagulation treatment process on a batch treatment basis as the most reliable technology available for mercury pollution abatement. Patterson also points out that although the effluent limitations cannot be reliably met, the random peaks of mercury contamination can be minimized at a cost in excess of \$25,000.

The Agency supports the variance from Rule 702(a) of Chapter 3 for a period of two years, finding that harmful effects to the environment caused by granting the variance would be minimal; that there is no feasible technology available to Petitioner to reduce the mercury concentration in its discharge; and that it would be an unreasonable hardship to deny a variance to Petitioner.

The Board finds that a denial of the variance would constitute an arbitrary and unreasonable hardship. The costs of completely eliminating the discharge under presently available technology are high and the suggested measures for elimination or reduction of the discharge do not guarantee that Petitioner will meet the requirements of Rule 702. Although a change is pending which would raise the acceptable levels of mercury in sewer systems (R76-21), the Board does not believe that Petitioner should rely on this contingency but should continue to seek a viable means of reducing its mercury discharge. Consequently, the Board concurs with the reasoning of the Agency in this matter and finds the conditions imposed on Petitioner during the period of its variance to be reasonable.

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

ORDER

It is the Order of the Pollution Control Board that Petitioner be granted a variance from the restrictions on the discharge of mercury into a sewer system contained in Rule 702(a) of Chapter 3: Water Pollution for a period of two years from the date of this Order, subject to the following conditions:

- 1) Petitioner shall conduct a study of means of removing mercury-containing scrap metals prior to processing.
- 2) Petitioner shall conduct further studies (a) to find suppliers of mercury-free reagents to use for its refining process and (b) to identify other possible sources of mercury contamination in its processes and means of reducing such contamination.

- 3) Petitioner shall submit a report as to information developed in subparagraphs (1) and (2) to the Illinois Environmental Protection Agency, Compliance Unit, Division of Water Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706 within ten months of the date of this Order.
- 4) Petitioner shall keep abreast of published research and development in the area of mercury control and evaluate its suitability for its processes. Petitioner shall submit a report as to information developed in this regard to the Illinois Environmental Protection Agency, Compliance Unit, Division of Water Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706 within 20 months of the date of this Order.
- 5) Within 45 days of the date of this Order, Petitioner shall execute of certification of acceptance and agreement to be bound to the terms and conditions of this variance. This 45 day period shall be held in abeyance if this matter is appealed. The certification shall be forwarded to the Illinois Environmental Protection Agency, Compliance Unit, Division of Water Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706 and shall read as follows:

CERTIFICATION

I (We), _____ having read and fully understanding the Order in PCB 79-73, 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 4th day of November, 1979 by a vote of 4-0.

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