

ILLINOIS POLLUTION CONTROL BOARD
November 15, 1973

SHERWIN-WILLIAMS COMPANY)
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 v.) PCB 73-367
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 ENVIRONMENTAL PROTECTION AGENCY)
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JAMES T. HARRINGTON, HACKBERT, ROOKS, PITTS, FULLAGAR AND POUST,
appeared on behalf of Sherwin-Williams Company
LEE A. CAMPBELL, ASSISTANT ATTORNEY GENERAL, appeared on behalf
of the Environmental Protection Agency

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

A petition requesting variance from the mercury sewer discharge regulation (Rule 702 of the Water Pollution Regulations) was filed August 29, 1973. The Board entered an order on September 6, 1973 requesting additional information which Sherwin-Williams submitted in the form of an amended petition on October 1, 1973.

The Agency's recommendation was not filed until November 13, 1973. It recommends a grant of the petition subject to complete compliance with Rule 702. No public hearing was held.

This matter has been before the Board in PCB 71-111, 3PCB37, November 8, 1971 and in PCB 72-401, 6PCB285, November 21, 1972. In the initial variance, the Board granted a mercury release of 10 lbs. per year and a discharge concentration of 5 ppb (0.005 mg/l). In the first extension of the initial variance, the Board granted discharge limits of 5 lbs. per year and concentrations of 5 ppb to the 115th Street sewer and 2 ppb to the Kensington Avenue sewer.

Sherwin-Williams is embarked upon a program drawn up by the Roy F. Weston, Inc. consulting engineering firm to control mercury and other heavy metals and will do so by September 30, 1974 (Pet. p.5). In their amended petition (p. 2) Sherwin-Williams states that the Weston system will eliminate "peaks that might otherwise occur". However, it cannot accept tighter limits than were imposed in PCB 72-401.

We have many times commended Sherwin-Williams on its mercury control program. They have met the conditions set up in our previous variances and a new system will be operative September 30, 1974. We do not require complete compliance with Rule 702 because it is not clear at this time that such compliance is feasible.

We grant the variance for an additional year until November 6, 1974 subject to the conditions in the order.

ORDER

1. Variance is granted until November 6, 1974 from Rule 702 of the Water Pollution Regulations to permit discharges not in excess of five pounds of mercury per year in concentrations not to exceed, on a 24-hour composite basis, .005 mg/l in its discharges to the 115th Street sewer, and .002 mg/l in its discharges to the Kensington Avenue sewer for a period of one year.
2. The mercury and heavy metal control system as outlined by Roy F. Weston, Inc. and modified and approved by the Agency shall be installed and made operative by September 30, 1974.
3. Sherwin-Williams shall continuously test the control system after its installation to determine its effect upon concentrations of mercury and other heavy metals and the extent of control achieved and such data shall be timely reported to the Agency.
4. Sherwin-Williams shall submit quarterly reports to the Agency detailing progress achieved toward full compliance with Rule 702.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted on the 15th day of November, 1973 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board