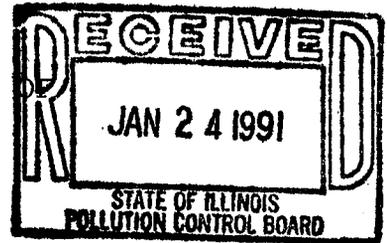


BEFORE THE POLLUTION CONTROL BOARD
THE STATE OF ILLINOIS



BF GOODRICH CORPORATION,
Petitioner,
v.
ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Respondent.

PCB 91 - 17
(Permit Appeal)

PETITION FOR PERMIT APPEAL

Petitioner, BF Goodrich Corporation, ("BF Goodrich"), by its attorneys, Gardner, Carton & Douglas, hereby petitions the Illinois Pollution Control Board (the "Board"), pursuant to Section 40(a) of the Illinois Environmental Protection Act (Ill. Rev. Stat. (1990) ch. 111 ½, Section 1040), (the "Act") and Part 105 of the Board's procedural rules (35 Ill. Adm. Code 105.102), to grant BF Goodrich a hearing. In support thereof, BF Goodrich states as follows:

1. On August 30, 1989, BF Goodrich submitted an NPDES renewal application, Permit No. IL0001392, covering the discharge at its Henry, Illinois facility (the "facility").

2. By letter of December 28, 1990, the Illinois Environmental Protection Agency (the "Agency"), submitted its final NPDES Permit (the "Permit") for the facility's discharge. The Permit as issued, addresses discharge limitations, and monitoring and reporting requirements. However, the Agency failed to incorporate BF Goodrich's latest comments into the Permit for various reasons outlined below.

3. The BF Goodrich facility is located on R.R. #1 in Henry, Illinois in northwestern Marshall County. The facility is a medium sized chemical plant which produces poly vinyl chloride (PVC) and various polymer chemicals. Polymer chemicals are additives used to aid in the manufacture of rubber and plastics.

4. BF Goodrich has been involved in extensive negotiations with the Agency regarding the terms of the NPDES Permit for several months. However, the Agency has included several conditions to which BF Goodrich continues to object.
Special Condition 4.

5. Special Condition 4 states as follows:

SPECIAL CONDITION 4: The permittee shall monitor ammonia as N and report the lbs/day discharged. If the 30 day average exceeds 100 lbs/day then the effluent concentration shall not exceed 3 mg/l on a 30 day average basis. If the daily maximum exceeds 200 lbs/day then the effluent concentration shall not exceed 6 mg/l on a daily basis.

This condition is allegedly based on 35 Ill. Adm. Code 304.122(b) which provides:...

b) Sources discharging to any of the above waters and whose untreated waste load cannot be computed on a population equivalent basis comparable to that used for municipal waste treatment plants and whose ammonia nitrogen discharge exceeds 45.4 kg/day (100 pounds per day) shall not discharge an effluent of more than 3.0 mg/l of ammonia nitrogen.

6. Throughout the drafting process, BF Goodrich has asserted repeatedly that Section 304.122(b) is not applicable and has never been applied to BF Goodrich's effluent. In fact, during the mid-1970's, the Agency raised the applicability of this section in a former draft permit, only to remove the proposed NH_3 effluent limit and to issue a final permit without this condition. BF Goodrich is unaware of any circumstances that have arisen since that time which warrant the Agency changing its interpretation of Section 304.122(b).

7. In addition to the fact that Section 304.122(b) has never been applied to the effluent from the facility, BF Goodrich contends that the Section is not applicable because the effluent waste load can be computed on a population equivalent ("p.e.") basis. As a result, Section 304.122(a) would apply to the facility's effluent. Section 304.122(a) states:

- a) No effluent from any source which discharges to the Illinois River, the Des Plaines River downstream of its confluence with the Chicago River System or the Calumet River System, and whose untreated waste load is 50,000 or more population equivalents shall contain more than 2.5 mg/l of ammonia nitrogen as N during the months of April through October, or 4 mg/l at other times.

Therefore, pursuant to Section 304.122(a), no effluent limitation for NH_3 is applicable to the BF Goodrich Facility because its untreated wasteload is less than 50,000 p.e.

8. However, the Agency contends that because BF Goodrich's effluent is dissimilar to domestic waste, even though a p.e. can be calculated for the discharge, p.e.

calculations are meaningless and Section 304.122(b) should apply. However, Section 304.122(a) refers to effluents from "any source which discharge into [certain river systems]" and does not limit the discharges to those which are domestic in nature. In fact, in Section 304.122(b), it is the test method which is being compared to a municipal waste treatment facility and not the type of discharge. Further, wastes other than domestic wastes are discharged into municipal waste treatment plants which would necessarily imply that the Agency did not intend this regulation to limit the definition of waste to domestic waste. Therefore, Section 304.122(a), and not Section 302.122(b), is applicable to BF Goodrich's effluent, and since its p.e. is less than 50,000 p.e., there is no standard for NH₃ applicable to the effluent for the facility.

Special Conditions 5 & 7

9. Special Condition 5 provides as follows regarding outfall 001:

SPECIAL CONDITION 5: For the purpose of this permit, outfall 001 is limited to process wastewater and will serve as an alternate route for waters discharged normally to outfall 001a. The discharge will be free from other wastewater discharges. Sampling for the monitoring requirements for the discharge shall be taken prior to mixing with the discharge from outfall 001a.

Additionally, Special Condition 7 states, regarding outfall 001a,:

SPECIAL CONDITION 7: For the purpose of this permit, outfall 001a is limited to stormwater, non-contact cooling water, lime softening and

demineralization waste, free from process and other waste water discharges. Sampling for the monitoring requirements for this outfall shall be performed at a point representative of the discharge but prior to mixing with the discharge from outfall 001.

Further, at page 6 of the Permit, the Agency outlines the effluent limitation and monitoring as required by Special Conditions 5 and 7 as follows:

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVG.	DAILY MAX.	30 DAY AVG.	DAILY MAX.		

1. From the effective date of this permit until December 1, 1995, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:

Outfall(s): 001a

Flow (MGD)	Measure When Discharging Estimate	
BOD ₅	1/Month	Grab
Total Suspended Solids	1/Month	Grab
Total Iron	1/Month	Grab
pH	1/Month	Grab

10. BF Goodrich has repeatedly commented on and objected to this separation of the outfalls and has presented the Agency with substantial technical basis for maintaining only one outfall for monitoring purposes. In all prior permits, BF Goodrich has sampled to determine compliance at a point immediately prior to the discharge to the Illinois River, a point at which all plant wastestreams have been combined. If

BF Goodrich's prior method of sampling has been approved by the Agency, it should continue, unless the applicable regulations have been altered to require corresponding changes in the Permit. BF Goodrich has no knowledge or documentation that, from the time of the last permit to date, any regulatory changes have been made which would support the conclusion that BF Goodrich is not providing the best degree of treatment as defined in Section 304.102:

Section 304.102 Dilution

- a) Dilution of the effluent from a treatment works or from any wastewater source is not acceptable as a method of treatment of wastes in order to meet the standards set forth in the Part. Rather, it shall be the obligation of any person discharging contaminants of any kind to the waters of the state to provide the best degree of treatment of wastewater consistent with technological feasibility, economic reasonableness and sound engineering judgment. In the making determinations as to what kind of treatment is the "best degree of treatment" within the meaning of this paragraph, any person shall consider the following:
 - 1) What degree of waste reduction can be achieved by process change, improved house-keeping and recovery of individual waste components for reuse; and
 - 2) Whether individual process wastewater streams should be segregated or combined.
- b) In any case, measurement of contaminant concentrations to determine compliance with the effluent standards shall be made at the point immediately following the final treatment process and before mixture with other waters, unless another point is designated by the Agency in an individual permit, after consideration of the elements contained in this section. If necessary the

concentrations so measured shall be recomputed to exclude the effect of any dilution that is improper under this Section.

11. The sampling point after admixture of all wastewater streams is an approved concept under Board regulations. Section 304.102 permits such a sampling point if the permittee is providing the best degree of treatment. In fact, the Agency has previously approved an "after admixture" sampling point at the BF Goodrich facility. Under certain circumstances, The facility will redirect stormwater through the system to maintain the hydraulic load which results in the mixture of the wastestreams. Therefore, BF Goodrich must conclude that the Agency knew of the admixture of wastestreams within the BF Goodrich facility and further, that the Agency either directly or indirectly agreed that BF Goodrich was and continues to provide the "best degree of treatment." BF Goodrich has no knowledge nor documentation in the Agency record since the issuance of the last permit to support the conclusion that BF Goodrich is not providing the "best degree of treatment" pursuant to the Board's regulations.

Special Condition 6

12. Special Condition 6 requires BF Goodrich to perform certain acute toxicity tests and other biomonitoring.

Specifically, the Condition requires:

SPECIAL CONDITION 6: The permittee shall prepare a preliminary plan for biomonitoring and submit the plan to IEPA for review and approval within 90 days of the effective date of this permit. The permittee shall begin biomonitoring of the

effluent discharge within 90 days after approval of the biomonitoring plan or other such date as contained in the Agency's notification letter.

Biomonitoring

1. Acute Toxicity - Standard definitive acute toxicity tests shall be run on at least two trophic levels of aquatic species (fish, invertebrate,) representative of the aquatic community of the receiving stream. Except as noted here and in the IEPA document. "Effluent Biomonitoring and Toxicity Assessment", testing must be consistent with Methods for Measuring the Acute Toxicity of Effluents to Aquatic Organisms EPA-600/4-85-013. Unless substitute tests are pre-approved; the following tests are required:
 - a. Fish - 96 hour static LC₅₀ Bioassay using one to four week old fathead minnows (*Pimephales promelas*).
 - b. Invertebrate 48-hour static LC₅₀ Bioassay using *Ceriodaphnia*.
2. Testing Frequency - The above tests shall be conducted on a monthly basis for six months within 90 days following approval of the biomonitoring plan or other such date as contained in the Agency's notification (approval) letter. Results shall be reported according to EPA/600/4-85/014, Section 10, Report Preparation, and shall be submitted to IEPA within 1 week of becoming available to the permittee.

Concurrent with at least one of the above tests, the permittee shall monitor for the priority pollutants identified in Appendix B of 40 CFR 403.

Should the results of two months of sampling indicate toxicity for each month, the permittee should re-evaluate whether additional sampling is warranted. The Agency should be contacted at that time.

13. BF Goodrich has conducted numerous toxicity tests at the Agency's request in response to this and previous permits. BF Goodrich has no knowledge or documentation on that, to date, the Agency has established any effluent limits based upon the results of these tests. To require additional testing would be duplicative, costly and would impose an undue burden on BF Goodrich.

14. Additionally, Special Condition 6 also states:

3. Toxicity Assessment - Should the review of the results of the biomonitoring program identify toxicity, the Agency may require that the permittee prepare a plan for toxicity reduction evaluation and identification. This plan shall include an evaluation to determine which chemicals have a potential for being discharged in the plant wastewater, a monitoring program to determine their presence or absence and to identify other compounds which are not being removed by treatment, and other measures as appropriate. The permittee shall submit to the Agency its plan for toxicity reduction evaluation within 90 days following notification by the Agency. The permittee shall implement the plan within 90 days or other such date as contained in a notification letter received from the Agency.

BF Goodrich has received correspondence from the Agency which indicates that the Agency believes that the TRE requirement outlined above should be removed from the permit conditions. BF Goodrich objects to this additional and unnecessary test requirement again, as the Agency currently has before it sufficient data for its purposes and that additional testing is duplicative and unjustified.

Mixing Zones and ZIDS

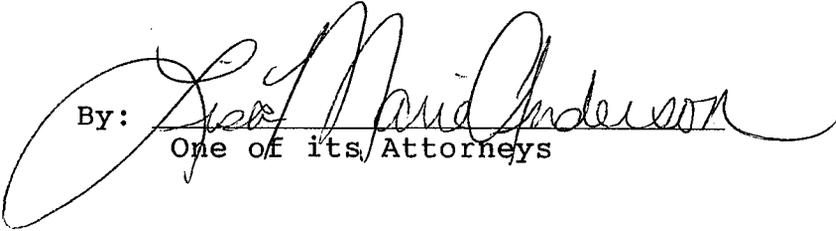
15. BF Goodrich believes that this permit should include an allowance for a mixing zone and ZID. IEPA has informed BF Goodrich that, with the exception of copper, all effluent limits were more restrictive than waste quality based limitations. Therefore, mixing zones and ZIDS are not applicable to those parameters. However, at a minimum with regard to copper, which has a more restrictive water quality based standard, BF Goodrich continues to believe a mixing zone is necessary and should be included.

WHEREFORE, BF Goodrich Corporation hereby requests that the Board authorize a hearing in this matter and remand the decision to the Agency to renew its permit consistent with the concerns addressed in this petition. This relief should include:

1. Deletion of the NH₃ limitations and monitoring requirements outlined in Special Condition 4;
2. Deletion of the separation of outfalls as outlined in Special Conditions 5 and 7, and the corresponding limitations and monitoring requirements;
3. Deletion of the sampling, monitoring and limitation requirements referenced in Special Condition 6; and
4. Allowance for the creation of a mixing zone or ZID at the point of discharge.

Respectfully submitted,

BF GOODRICH CORPORATION

By: 

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CERTIFICATE OF SERVICE

The undersigned, being sworn, states that copies of the attached Petition for Permit Appeal, were filed with the Clerk of the Illinois Pollution Control Board, a copy of which is attached hereto and served upon you by U.S. Mail, on Thursday, January 24, 1991.



Subscribed and sworn to before me this 24th day of January, 1991.



Notary Public

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