

ILLINOIS POLLUTION CONTROL BOARD
October 17, 1996

SCHLUMBERGER INDUSTRIES, INC.,)
CRAB ORCHARD NATIONAL WILDLIFE)
REFUGE SUPERFUND SITE,)
)
Petitioner,)
)
v.) PCB 97-71
) (Provisional Variance - Water)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by C.A. Manning):

Pursuant to Section 35(b) of the Environmental Protection Act (Act) (415 ILCS 5/35(b)), Schlumberger Industries, Inc., Crab Orchard National Wildlife Refuge Superfund Site (petitioner) has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance from Section 35(b) of the Act (415 ILCS 5/35(b)), to the petitioner. Such request for a provisional variance and the notification of recommendation was filed with the Board by the Agency on October 15, 1996. Pursuant to Section 35(b) of the Act, the Board must issue the variance within two (2) days of this filing. The Agency, by and through its Director, Mary A. Gade, seeks a provisional variance to allow petitioner a short-term discharge of high-fluoride storm water.

Specifically, the Agency recommends that we grant petitioner a 45-day provisional variance for its Williamson County facility from the fluoride numeric effluent discharge requirements, as set forth in 35 Ill. Adm. Code 302.208(e). This variance period shall begin on the date in October 1996 when the petitioner begins to discharge water from its holding tanks, and continue until the tanks are completely drained, but not longer than 45 days.

The Agency recommends that the Board grant the requested provisional variance with specified conditions and agrees that the repairs are necessary. The Agency anticipates that the requested provisional variance would have minimal environmental impact on the receiving stream and is unaware of any public water supplies that the requested provisional variance would adversely impact. According to the Agency, no federal laws would be violated if the provisional variance is granted by the Board. The Agency believes that a denial of the requested provisional variance would create an arbitrary or unreasonable hardship on the petitioner.

Provisional variances are by their very nature temporary. The responsibilities of the Agency and the Board in these short-term provisional variances are different from the

responsibilities in standard variances. (See 415 ILCS 5/35(b) & 36(c).) In provisional variances it is the responsibility of the Agency to make the technical determinations and finding of an arbitrary or unreasonable hardship. The Board's responsibility is to adopt a formal order, to assure the formal maintenance of the record, to assure the enforceability of the variance, and to provide notification of the action by a press release.

Having received the Agency recommendation that a denial of the requested relief would impose an arbitrary or unreasonable hardship, the Board hereby grants the petitioner a provisional variance from 35 Ill. Adm. Code 302.208(e), on the following conditions:

1. The term of this provisional variance shall commence on a date in October 1996 when the petitioner begins to discharge water from its holding tanks, and continue until the tanks are completely drained, but not longer than 45 days.
2. During the term of this provisional variance, petitioner shall meet a daily maximum fluoride effluent discharge limitation of 8 milligrams. Petitioner shall continue to meet the additional limits in its Water Management Plan.
3. The petitioner shall notify Dwight Hill of the Agency's Marion Regional office by telephone, at 618/993-7200, when it begins discharging water and again when discharging is completed. Petitioner shall confirm this notice in writing within five (5) days, addressed as follows:

Illinois Environmental Protection Agency
Attention: Mark T. Books
Division of Water Pollution Control
Compliance Assurance Section
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

4. The petitioner shall operate its plant during the term of this provisional variance in a manner that assures the best effluent practicable.

The petitioner shall execute a copy of a certificate of acceptance of this provisional variance and forward that copy to the Agency addressed as is the written notice required in the above condition; the petitioner shall forward that copy within ten (10) days of the date of this order of the Board, and the certificate of acceptance shall take the following form:

CERTIFICATION

I (We), _____, hereby accept and agree to be bound by all terms and conditions of the order of the Pollution Control Board in PCB 97-71, October 17, 1996.

Petitioner

Authorized Agent

Title

Date

IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the ____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board