

ILLINOIS POLLUTION CONTROL BOARD
November 7, 1985

INTERSTATE POLLUTION)
CONTROL, INC.,)
)
Petitioner,) PCB 85-155
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondents.)

ORDER OF THE BOARD (by J. Anderson):

Interstate Pollution Control, Inc. (IPC) operates an on-premises oil/water separation facility as well as a licensed waste hauling facility in Rockford. On October 18, 1985, IPC filed an appeal from the Agency's denial, in a single letter, of two operating permits for this facility. Contemporaneously, IPC filed a motion for stay of the denial of these permits. The Agency has filed no response to this motion. On November 1, 1985, however, the Agency filed a motion to "sever" the permit denials into two cases, to which IPC filed objections on November 4.

The petition asserts that IPC's operation is not a waste disposal facility, but strictly an oil/water separator. IPC picks up cooling and cutting oils in its own trucks, and receives shipments of these and other organic compounds in water, for separation in an Abcon, organic membrane, ultrafiltration device. Concentrated oils are stored before trucking to an oil reclamation plant, and the water is then discharged to the sewer system tributary to the Rockford sewage treatment plant.

The petition also asserts that IPC's facility has three types of operating permits: one issued by the Agency's Land Division for a "solid waste management site ... to process and recover waste oil" (Exh. 1), one issue by the Water Division for an "industrial pretreatment facility" to remove oil from water before discharge of the water to a sanitary sewer tributary to the Rockford sewage treatment plant (Exh. 2), and one issued by the Air Division for the "oil-water separator and storage tanks" (Exh. 5).

This action involves denial of a renewal of the air permit and of the water permit (Exh. 16) for asserted informational deficiencies in each permit application. As to the air permit application, IPC notes that it had completed the Agency's form application stating that "if your operation is unchanged, you may renew your permit by signing in the space provided" (Exh. 6). As

to the water permit, the Agency was also stated that the land permit had been violated, inasmuch as unpermitted waste oils containing solvent had been received for treatment. IPC acknowledges that solvents materials apparently were received in incoming waste, which solvents passed through the filtration equipment and into the Rockford sewer system and treatment plant, but also provided exhibits detailing its efforts to insure that no wastes containing solvents were sent to, or received by, IPC for treatment. These compliance activities were the subject of negotiation with the land division, which has not filed an enforcement action.

The Agency's motion to sever is denied. As the Agency has obviously given a consolidated review to the two permits in question, it makes little sense for the Board, in its review, to attempt to "de-consolidate" the Agency's decision.

In support of its motion for stay of the effect of these denials, IPC asserts that it "will suffer almost complete devastation of [it's] business if not permitted to remain in operating pending the outcome of the proceedings", and that there will be "severe inconvenience to customers who have made no alternative provisions for waste removal". IPC's petition contains various exhibits, but especially Exh. 15, indicating that concentrations of solvents in its recent water discharge are below 19.2 parts per million. The Board finds that the severe economic harm to IPC and its customers greatly outweighs any apparent harm to the environment, and accordingly grants the stay. Pending resolution of these appeals, IPC shall comply with the conditions of the expired air and water permits.

In so ruling, the Board has accepted the accuracy of IPC's exhibits only for this limited purpose, given lack of Agency objection; as to IPC's likelihood of prevailing on the merits, the Board finds only that a sufficient showing has been made given its findings concerning the relative economic and environmental harms here asserted.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 7th day of November, 1985, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board