

ILLINOIS POLLUTION CONTROL BOARD
July 1, 1982

TEXACO, INC.,)
)
) Petitioner,)
)
) v.) PCB 82-45
)
) ILLINOIS ENVIRONMENTAL PROTECTION)
) AGENCY,)
)
) Respondent.)

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

This matter comes before the Board upon an April 20, 1982 petition for variance filed by Texaco, Inc. requesting variance from Rules 203(d) and 402 of Chapter 3: Water Pollution as they relate to dissolved oxygen discharges from Texaco's petroleum sales terminal facility located on New Avenue in Lockport. On June 18, 1982 the Illinois Environmental Protection Agency (Agency) filed a recommendation that the variance be granted, subject to certain conditions. Hearing was properly waived, and none was held.

Texaco owns and operates a petroleum sales terminal facility which is located east of its refinery. Currently, domestic wastewater from the facility is treated at its refinery's wastewater treatment plant (WWTP) and discharged under NPDES Permit No. IL002305. However, Texaco has now closed the refinery and is phasing out operation of the WWTP. Consequently, a new WWTP is needed to treat the 1,225 gpd wastewater flow which is generated from the sales terminal.

Texaco proposes to install a Cavitte system which will provide aeration, settling, filtration and chlorination. Texaco alleges, and the Agency does not disagree, that the Cavitte system will be capable of treating the sales terminal's wastewater load in such a manner that all applicable effluent standards will be met. Discharge is proposed to be into Little Run Creek which is tributary to Big Run Creek which flows into the Illinois and Michigan Canal.

Pursuant to Section 208 of the Federal Water Pollution Control Act, NIPC (Northeastern Illinois Planning Commission) developed an areawide waste treatment management plan for the northeastern portion of Illinois, including Cook, DuPage, Kane, McHenry, Will and Lake Counties. The study upon which this plan is based indicates that the dissolved oxygen water quality standard of

Rule 203(d) is being violated at numerous points throughout the northeastern Illinois area. Thus, any direct discharges containing deoxygenating wastes are in probable violation of Rule 402 through the discharge of effluents which cause or contribute to water quality violations.

On October 19, 1978 the Board granted a five-year variance to 280 individual dischargers within the six-county NIPC area from the dissolved oxygen standards of Rules 203(d) and 402 in order to allow the continued operation of wastewater treatment facilities within that area (Bloomingtondale v. IEPA, PCB 78-174, 31 PCB 675). Since that time the Board has granted additional variances to those facilities which were either unintentionally excluded from the Bloomingtondale proceeding or which are new facilities which would have been included in that proceeding had they been in existence at the time.

Texaco alleges, and it is not rebutted, that there are no other treatment facilities which are economically accessible to the sales terminal and that, due to the shallowness of the bed-rock in the area, it is unable to utilize a septic field system. Further, due to the very small quantity of the discharge and the good quality of the proposed effluent, any adverse environmental impact should be minimal. While Texaco probably could have obtained and presented some data regarding the dissolved oxygen concentrations in the stream reaches which may be impacted by its discharge and, thereby, presented a less speculative assessment of the environmental impact, based upon the evidence presented, the Board finds that granting of the requested variance will result in minimal adverse environmental impact and that denial of the variance would result in an arbitrary and unreasonable hardship.

Texaco has not requested variance for any specific length of time. Therefore, the Board will follow the Agency's recommendation that variance be granted until October 19, 1983, the termination date of the Bloomingtondale variance. The Board recognizes that this is a fairly short variance period. However, the Board finds that the administrative convenience in keeping all Bloomingtondale-type variances on the same time schedule outweighs any expense that Texaco may incur in petitioning for a variance extension and that any such expense may well be lessened by its being considered along with other such petitioners.

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

ORDER

Texaco, Inc. is hereby granted a variance from Rules 203(d) and 402 of Chapter 3 as they relate to dissolved oxygen until October 19, 1983 subject to the following conditions:

1. Texaco shall seek amendment of the 208 Water Quality Management Plan.
2. Texaco shall cooperate in the implementation of the 208 Water Quality Management Plan;
3. Texaco shall obtain the necessary construction and operating permits from the Agency;
4. Texaco shall operate the proposed WWTP under the best practicable operation and maintenance practices.
5. Within 45 days of the date of this Order Texaco shall execute and forward to the Board and to the Illinois Environmental Protection Agency, Compliance Assurance Unit, Water Pollution Control Division, 2200 Churchill Road, Springfield, Illinois 62706, a Certification of Acceptance and Agreement to be bound to all terms and conditions set forth in the Order. The 45 day period shall be held in abeyance during any period in which this matter is being appealed. The form shall be shown as follows:

CERTIFICATION

I (we), _____, hereby accepts and agrees to be bound by all terms and conditions of the order of the Pollution Control Board in PCB #82-45, dated _____.

Petitioner

By _____, authorized

Title

Date

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 1st day of July, 1982 by a vote of 5-0.

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