

ILLINOIS POLLUTION CONTROL BOARD
July 20, 1978

BIRD & SON, INC.,)
)
Petitioner,)
)
vs.) PCB 78-117
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

Bird & Son, Inc. filed on April 24, 1978 a petition for an extension of a previous variance. The Board in PCB 76-116, 23 PCB 57 (1976), had granted Petitioner a variance from the restrictions on the discharge of mercury into a sewer system contained in Rule 702(a) of Chapter 3: Water Pollution Regulations. Now Petitioner is requesting that an additional variance be granted for a five year period. The Environmental Protection Agency (Agency) filed a recommendation in this matter on June 9, 1978.

Petitioner owns and operates a felt mill plant located on a 16-acre site in Chicago. The facility is engaged in the manufacture of absorbent felt paper for use in the roofing industry. The felt is made entirely from wood and paper products. These materials are broken down into their constituent fibers and reformed into felt paper in a process which utilizes a continuous flow of recycled water. Approximately 110 tons of roof felt per day are produced, using an average of 115,000 gallons of water per day. About 25,000 gallons of this water are evaporated as steam and the remaining 90,000 gallons are discharged to the Metropolitan Sanitary District of Greater Chicago (MSD) and treated at the Calumet Sewage Treatment Plant. Prior to discharge to the MSD, wastewater is processed through a screening tank in order to reduce fiber content. Petitioner does not employ a direct discharge to waters of the State.

Petitioner's wastewater discharge includes quantities of mercury in excess of the 0.0005 mg/l limitation contained in Rule 702(a) of Chapter 3. Under the conditions of Petitioner's last variance Petitioner's discharge to the MSD was not to exceed a concentration of 0.0038 mg/l or a total annual discharge of 1.2 pounds. Petitioner has generally met these conditions. MSD notified Petitioner that on February 1 and 2, 1978 the mercury discharge was in excess of the limit. On February 1, 1978 it was 0.054 mg/l and February 2, 1978 it

was 0.0272 mg/l. MSD has indicated to the Agency that it is in favor of Petitioner's present variance request. The Agency has record of one other violation of the variance condition.

Petitioner has investigated technology for mercury removal and has found no proven methods of treating effluent containing low-level concentrations of mercury to within the levels required by Rule 702(a). Progress reports have been filed with the Agency.

The Agency states that the Calumet Treatment Plant is not exceeding the mercury requirements of Rule 408 of Chapter 3. Currently there is a regulation, R76-21, pending before the Board which would change the 0.0005 mg/l mercury standard to 0.003 mg/l. If this standard is adopted Petitioner would no longer need a variance. The Agency recommends the grant of a variance with conditions.

The Board finds that a variance should be granted to Petitioner. Testimony in R76-21 indicates that technology does not exist to efficiently and consistently bring low-level concentrations of mercury into compliance with Rule 702(a). This is reiterated by Petitioner. Petitioner would suffer arbitrary and unreasonable hardship if required to comply with Rule 702(a) at this time. The variance will be granted with the Agency's recommended conditions.

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

ORDER

It is the order of the Pollution Control Board that Bird & Son, Inc. is granted a variance from April 24, 1978 to April 24, 1983 unless prior to April 24, 1983 the Board adopts the mercury standard in R76-21, in which case, the variance shall expire on the effective date of the new standard. During the variance period the following conditions shall be met:

- (1) Petitioner's discharge of mercury to MSD shall not exceed a concentration of greater than 0.0038 mg/l at any time, or a total annual discharge of greater than 1.2 pounds.
- (2) Within 45 days after the date of this Board Order herein the Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Variance Section, 2200 Churchill Road, Springfield, IL a Certification of Acceptance and Agreement to be bound to all terms and conditions of the variance. This 45 day period shall be held in abeyance for

any period during which this matter is appealed.
The form of said Certification shall be as follows:

CERTIFICATION

I (We), _____ having read
and fully understanding the Order of the Illinois Pollution
Control Board in PCB 78-117 hereby accept said Order and
agree to be bound by all terms and conditions thereof.

SIGNED

TITLE

DATE

I, Christan L. Moffett, Clerk of the Illinois Pollution
Control Board, hereby certify the above Opinion and Order
were adopted on the 20th day of July, 1978
by a vote of 5-0.

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