

ILLINOIS POLLUTION CONTROL BOARD
October 31, 1974

CLARK OIL REFINING CORPORATION)

v.)

PCB 74-283)

ENVIRONMENTAL PROTECTION AGENCY)

MR. W. GERALD THURSBY and MR. CLIFTON A. LAKE, OF HACKBERT, ROOKS,
PITTS, FULLAGAR & POUST, appeared on behalf of the Petitioner;
MR. JOSEPH E. SVOBODA, appeared on behalf of the Environmental
Protection Agency

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

Petition for extension of variance granted on October 11,
1973 in PCB 73-238 by the Board was filed on July 30, 1974.

The variance of October 11, 1973 was from Rule 404(b)
with respect to BOD and suspended solids on condition that these
do not exceed 50 mg/l; from Rule 408(a) with respect to phenols
on condition that effluent concentrations not exceed 1.0 mg/l;
and from Rule 408(a) as to cyanide on condition that effluent
concentrations not exceed 0.3 mg/l, in order to provide sufficient
time to study the problem and develop a program for cyanide
control.

Petitioner has contracted to have built a new biological
oxidation facility for control of phenols, cyanides, BOD and
suspended solids. This facility is being built on the protected
side of the U.S. Army Corps of Engineers levee in order to
avoid the recurrent problems associated with seasonal flooding
of the Mississippi River. Clark's existing oxidation ponds
are located on the unprotected side of the levee and have on
various occasions been made inoperative by flooding.

Petitioner alleges that while the completion date for the
new treatment plant was July 30, 1974, there has been a delay

due to factors beyond his control. The causes for delay are a strike of truck drivers and a shortage of steel for tanks. The Agency accepts the validity of both of these claims. Petitioner requests extension of variance granted by the Board in PCB 73-238 to December 31, 1974 when the new plant is scheduled for completion.

Petitioner has requested that the variance extension include a permissible effluent suspended solids concentration of 75 mg/l for 90% of the time and 100 mg/l for 10% of the time. It claims this is necessary because of a build up of silt in the effluent channels leading to the Mississippi River, during high water and that this increases the suspended solids as the water recedes.

The Agency, while cognizant of the severe seasonal flooding the past two years, points out that since the variance request is till December 31, 1974, and this period is traditionally one of low river water level, a change in suspended solids standard is not warranted, especially since Petitioner has offered no proof justifying modification of the 50 mg/l, suspended solids standards at all times. We concur with the Agency in denying this request.

The record in this case is silent on progress in the cyanide reduction development program mandated in PCB 73-238. The Board's Opinion in that proceeding stated:

The Board grants Clark a variance from the cyanide limits for one year in order to allow Clark to investigate the source of the cyanide, conduct research as to possible upstream removal, and to evaluate treatment systems subject to the limitations that follow.

Nowhere in the petition is mention made of findings as to the "source of the cyanide" or "possible upstream removal" or an "evaluation of treatment systems". While bi-monthly research reports may have been made to the Agency as required in PCB 73-238 none have been furnished to the Board. And since the year for research has now elapsed, Clark has the burden to present its results before an extension to the cyanide variance is granted.

This Opinion constitutes the Board's findings of facts and conclusions of law.

ORDER

It is the Order of the Pollution Control Board that:

1. The Board hereby grants Clark a variance from Rule 404(b) from July 30, 1974 until December 31, 1974, subject

to the conditions that Clark's effluent concentrations of BOD and suspended solids not exceed 50 mg/l.

2. The Board hereby grants Clark a variance from Rule 408, as it applies to phenols, from July 30, 1974 until December 31, 1974, subject to the condition that Clark's effluent concentration of phenol not exceed 1.0 mg/l.
3. The Board hereby denies, without prejudice a variance from Water Pollution Rule 408 as it applies to cyanide.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 31st day of October, 1974 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board