

ILLINOIS POLLUTION CONTROL BOARD  
October 31, 1974

SHERWIN-WILLIAMS COMPANY )

v. )

PCB 74-275 )

ENVIRONMENTAL PROTECTION AGENCY )

OPINION OF THE BOARD (by Mr. Dumelle):

This Opinion is in support of an Order granting the variance on October 10, 1974.

Petitioner filed on July 18, 1974 for an extension of the variance granted in PCB 73-367 on November 15, 1973. Public hearings were held in Chicago on September 13 and September 19, 1974. The plant is located in Chicago and employs about 2100 persons.

The variance requested was twofold: to change the date for completion of a heavy metal control system from September 30, 1974 as set in PCB 73-367 to December 15, 1974 or 2-1/2 months after a concrete truck drivers strike ends, whichever is later; and, a further extension, until November 6, 1975, of a variance from Rule 702 of the Water Pollution Regulations to discharge not more than 5 lbs. of mercury per year with concentrations not to exceed 0.005 mg/l to the 115th Street sewer and 0.002 mg/l to the Kensington Avenue sewer on a 24-hour composite basis.

The hardship alleged by the petitioner is that it cannot comply with the regulation for mercury in its effluent (0.0005 mg/l) and "continue to operate its plant for the manufacture of products which are useful and necessary to the consuming public".

The Agency filed its recommendation on August 29, 1974. It recommended that the additional time be given as requested for the PCB 73-367 order but only recommended a 6-month rather than a 12-month variance for the effluent concentrations. The Agency recommended 4.0 lbs. of mercury to be discharged (on an annual basis) with the same concentrations in the effluent as in the petitioner's request.

On September 4, 1974 the petitioner responded to the Agency recommendation and asked for a grant of its original petition without hearing. The Agency answered on September 9 and reaffirmed its recommendation. On September 12 the Board denied the motion to grant without a hearing, feeling that since it was the fourth consecutive variance it ought to be fully re-examined at a public hearing. On September 20 the petitioner asked for an immediate grant of its request for extension of dates from the order in PCB 73-367. The Board decided to take this motion with the case and did in its decision on October 10, 1974.

The September 13 hearing established the average water use of the plant at about 90,000,000 gallons a month with 95% of this being discharged to the Kensington Avenue sewer (R. 15-16). The range in flows is from 80-100 million gallons per month (R. 32). Testimony pointed out that neutralization would be done with lime instead of 50% caustic (sodium hydroxid~~e~~) and that less mercury would probably be introduced into the process after this change (R. 57-8).


The possibility of mercury in Sherwin-Williams effluent being caused by urban air pollution was discussed. A figure of 5 lbs. of mercury per day as an emission from the 700 MW coal burning electric power plant was cited (R. 77). The heavy metal control system being installed by Sherwin-Williams will also control pH and will cost about \$1,500,000 (R. 89). But no assurance can be given that this new system will meet Rule 702 limits for mercury because of the random nature of mercury occurrence (R. 111-2). Thus a period of experimentation of at least six months seems necessary after completion of this heavy metal control system (R. 114). The operating cost of the system will be \$330,000 per year (R. 157).

The Board grants this variance as to the effluent for the full year requested by the petitioner since time is necessary for experimentation with the new heavy metal control system. The additional time for the system completion is justified in view of the strike and late deliveries of equipment. The compliance date is set at January 15, 1975 should other delays occur.

Sherwin-Williams good faith efforts and strict adherence to prior variance conditions are noted and commended.

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

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion was adopted on the 31<sup>st</sup> day of October, 1974 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board