

ILLINOIS POLLUTION CONTROL BOARD
November 28, 1972

ENTERPRISE PAINT MANUFACTURING COMPANY)
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 v.) PCB 72-435
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 ENVIRONMENTAL PROTECTION AGENCY)
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OPINION AND ORDER OF THE BOARD (by Mr. Dumelle)

The Enterprise Manufacturing Company, a division of Insilco Corporation, (Enterprise) filed a petition with the Board on November 9, 1972 asking an extension for six months of its variance previously granted (PCB 71-116, November 8, 1971, 3 PCB 37) in order to discharge mercury into the Chicago sewer system in excess of the requirements of Section 702 of Chapter 3, Water Pollution Regulations.

Without a hearing we grant the variance for the reasons stated below.

The original variance of November 8, 1971 provided that Enterprise could discharge not more than 0.035 mg/l (35 ppb) of mercury not to exceed 7 lbs. per year. Enterprise now states that it can meet 0.005 mg/l (5 ppb) and a limit of 1.5 lbs. per year. These new limits represent an 85.7% reduction in concentration and a 78.6% reduction in annual pound loading from the old variance limits. The Board commends Enterprise for its diligence and success in achieving these substantial reductions in the discharge of this toxic metal.

Enterprise recites the steps it has followed to reduce its mercury discharge including complete recycling of wash water; replacing mercury in all paint formulations except exterior latex paints; and the checking of all raw materials for mercury content. The company further states that it thinks it has found a satisfactory substitute for mercury in its exterior latex paints and may completely eliminate mercury by January 31, 1973. That date is only two months from today and presumably the additional time requested (to May 7, 1973) is needed to allow mercury residues in the plant system to wash out.

The Agency in its recommendation filed November 14, 1972 recommends the grant of the variance. It points out that the Enterprise has not exceeded

0.010 mg/l (10 ppb) in a 24-hour composite in any of the monthly reports previously submitted. The Agency has commendably gone downstream to the ultimate discharger, the West-Southwest Treatment Plant of the Metropolitan Sanitary District of Greater Chicago, and finds mercury discharges there to be below 0.0005 mg/l (0.5 ppb) which is the requirement of Section 702.

We grant the variance but point out to the company its own lack of certainty that the non-mercury formulation for exterior latex will work. Based upon our hearings in R70-5 we remain convinced that adequate substitutes are available and the Sherwin-Williams Company experience bears this out (PCB 72-401, November 21, 1972). The Sherwin-Williams case also tells us that mercury may be generated in excess of the sewer discharge standard even after mercury formulations are removed from paint. The Monsanto variance (PCB 72-336, October 31, 1972) raises again the question of the fate of 32,000 lbs. of mercury per year. If Enterprise is using chlorine or sodium hydroxide or potassium hydroxide made in chlor-alkali cells it may be receiving significant quantities of mercury via this route. In any event, should it prove impossible for Enterprise to meet the mercury standard at its sewer we suggest a new filing for a variance with this Board in ample time to allow consideration before expiration of the instant variance.

ORDER

1. Enterprise shall supply a verification to the Board of its petition signed by an officer of the company not later than December 18, 1972.
2. Variance is granted for the period from November 8, 1972 to May 7, 1973 from Section 702 of Chapter 3 to permit mercury discharges to the sewer not to exceed 0.005 mg/l (5 ppb) based upon a 24-hour composite sample and not to exceed 1.5 lbs. of mercury per year based upon a 3-month moving average.
3. Monthly reports shall be made to the Agency giving the strength and weight of the mercury discharged; the progress made toward full compliance with Rule 702; and the progress made toward eliminating the use of mercury in the manufacture of all its products by January 31, 1973. Reports are to be made not later than 21 days after the end of the month to be reported on.

4. Enterprise shall continue its present efforts to obtain the best possible degree of control over mercury discharges.
5. Violation of any of the foregoing conditions shall be cause for cancellation of the variance.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 28th day of November, 1972 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board

