ILLINOIS POLLUTION CONTROL BOARD

March 28, 1974

ALLIED CHEMICAL CORPORATION,)	
Petitioner,)	
v.)) PCB 7	4-6
ENVIRONMENTAL PROTECTION AGENCY,)	
Respondent.)	

Richard H. Sanders, Attorney for Allied Chemical Corporation John T. Bernbom, Attorney for the EPA

OPINION AND ORDER OF THE BOARD (by Mr. Henss)

Petitioner Allied Chemical Corporation requests variance from Rules 402 [violation of water quality standards], 408(a) [suspended solids], 903(c)(1) [operating permits] and 1002 [project completion schedule] of the Illinois Water Pollution Control Regulations until December 31, 1974.

Petitioner owns and operates a manufacturing plant in Chicago for the production of chemicals. Cooling water for the plant is drawn from the Calumet River, and after it passes once-through on a non-contact basis is then discharged through three outfalls. Two of the outfalls return the water to the Calumet River while the third, Outfall #001, discharges to Wolf Creek at a point approximately 100 feet from the confluence of Wolf Creek and the Calumet River. The discharge from Outfall #001 is the subject of this variance.

Petitioner secured permits for the discharge of its non-contact cooling water from the Environmental Protection Agency on June 2, 1972. All three permits showed the cooling water discharges entering the Calumet River, although Outfall #001 actually enters Wolf Creek. Petitioner claims it was unaware of any discrepancy in the permit until November 6, 1973, at which time Petitioner was attending a meeting with Illinois and U. S. Environmental Protection Agency representatives. Illinois EPA representatives at this meeting informed Petitioner that since Outfall #001 discharged into Wolf Creek (designated a "general use" stream) and consists of water taken from the Calumet River (designated as a "restricted use" stream), the discharge might

-2-

be in violation of standards. The EPA representative said that compliance with the stricter standards applicable to a general use stream would be required by December 31, 1973. (Note: Under our current Regulation the "restricted use" waters are called "secondary contact and indigenous aguatic life waters".)

If denied the right to operate this Outfall, Petitioner claims that all production units served by the Outfall would be forced to shut down. This would affect three-fourths of Petitioner's plant and would necessitate the layoff of approximately 105 people.

Petitioner plans to solve the outfall problem by relocating the discharge point of Outfall #001 so that the water is discharged directly to the Calumet River. This relocation will require time for preparation of permit applications, issuance of construction permits, preparation of engineering plans, letting of contracts and actual construction. Petitioner believes that the project can be completed by December 31, 1974, a date the Agency found acceptable.

At times the Calumet River flows into Wolf Creek. Allied compared this reverse flow to its discharge of 3,000-7,000 gpm and argued, rather convincingly, that Wolf Creek probably suffers no adverse environmental effects from the plant discharge.

The Agency states that any variance from Rule 402 is moot since Petitioner failed to provide any data indicating a violation of water quality standards. However, the Agency did express some concern that Petitioner may be increasing the concentration of total suspended solids as a result of algae sloughing in the cascade cooler through which the water flows prior to discharge. Under the circumstances we do not believe the request for variance from Rule 402 is moot.

Petitioner already has a permit in apparent compliance with Rule 903(c)(l) but fears that the Agency may be planning some type of corrective action regarding the erroneously issued permit. This is a legitimate concern which prevents us from declaring that request moot.

We believe that the hardship Petitioner will suffer from denial of a variance outweighs the minimal environmental impact this discharge will have during 1974. Therefore, we will allow the variance.

ORDER

It is the Order of the Pollution Control Board that Allied Chemical Corporation be granted variance from Rules 402, 408(3) (as that Rule pertains to suspended solids), 903(c)(1) and 1000 of the Illinois Water Pollution Control Regulations for its

Chicago chemical manufacturing plant until December 31, 1974 for the purpose of allowing the physical relocation of Outfall #001 as outlined in this Opinion.

This Opinion constitutes the findings of fact and conclusions of law of the Board.

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