

ILLINOIS POLLUTION CONTROL BOARD
March 7, 1974

HYON WASTE MANAGEMENT SERVICES,)
INC.,)
)
Petitioner,)
)
vs.)
) PCB 73-530
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

Mr. George E. Bullwinkel, Attorney, on behalf of Petitioner;
Mr. John Bernbom, Attorney, on behalf of Respondent.

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

On December 13, 1973, Hyon Waste Management Services, Inc., filed its Appeal From Specified Permit Conditions, wherein Hyon contests the inclusion of certain terms and conditions in operating permits issued by the Environmental Protection Agency to Hyon. On February 5, 1974, a public hearing was held in this matter.

The subject permits relate to the operation of Hyon's plant at 11700 South Stony Island Avenue in Chicago, Illinois. This site is in a remote location on the east shore of Lake Calumet.

The plant consists of two distinct systems. The first is the pickle liquor treatment system in which pickle liquor (composed principally of sulfuric acid and iron sulfate) is neutralized with lime, resulting in calcium sulfate and iron oxide, a non-leaching impervious material which is then used for landfill purposes.

The second portion of the system accepts burnable and biologically active materials. Those which are directly burnable are sent to Hyon's incinerator. Those having a requirement for biological treatment are sent through a variety of processes depending upon the nature of the waste and the degree of treatment required. The waste comes into the plant in tank trucks and is immediately sent to a receiving station where it is tested to be sure that it conforms to contract specifications. It is then given pretreatment (usually pH adjustment) and distributed on a series of ten bio-chemical beds which are maintained in a semi-dry condition and biologically break down the degradable material. Leachate from these beds is drawn off and directed to an activated sludge treatment plant and thereafter to stabilization basins.

Clear supernatant liquid is drawn off to be used as scrubber liquid for the incinerator exhaust and is directed to or from an auxiliary waste water basin for storage as required.

There are no liquid emissions or discharges from Hyon's plant in its present mode of operation.

Air emissions consist solely of carbon dioxide, water vapor, and other minor emissions, all of which are allegedly within the applicable Regulations.

This appeal is the second to be filed by Hyon in connection with the permits for its waste treatment plant.

The first appeal was filed because of the denial of operating permits. This was satisfactorily resolved in a stipulation or, more accurately, the permits were issued and it was stipulated that the appeal could be dismissed but with leave to file a new appeal of specified permit conditions if there were conditions which Hyon found unacceptable.

There were conditions in those permits which Hyon found to be inappropriate and in some cases unacceptable and those permit conditions are the subject of the present appeal.

In the instant petition, Hyon alleges a total of thirteen points in its citation of errors.

A Stipulation was entered into between the parties and submitted at the hearing. Said Stipulation purports to resolve each of the thirteen points and is the result of considerable work and compromise by the parties. It clarifies the language and intent of the permit conditions at issue and represents a fair resolution thereof.

The Stipulation contains thirteen numbered paragraphs which correspond to the thirteen points contained in Hyon's citation of errors and the particular operating permits to which such items pertain. The applicable language of the Stipulation shall be incorporated in each of the operating permits to which it pertains. This Stipulation relates solely to the permits and permit conditions at issue in the instant appeal, and shall therefore be null and void upon the common expiration of such permits on September 18, 1974.

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

IT IS THE ORDER of the Pollution Control Board that the applicable language of the Stipulation dated January 31, 1974, and entered into evidence at the February 5, 1974 hearing in the matter shall be incorporated in each of the operating permits to which it pertains.

The Stipulation is hereby accepted by this Board in the form appearing below:

STIPULATION

Petitioner and Respondent, by their attorneys, hereby agree to compromise and settle the issues raised in this appeal according to the following stipulation. Each of the following numbered paragraphs 1-13 corresponds to Petitioner's Citation of Errors Items 1-13 and the particular operating permits to which such items pertain. Upon approval of this stipulation by the Board, the applicable language of this stipulation shall be deemed incorporated in each of the operating permits to which it pertains. This stipulation relates solely to the permits and permit conditions at issue in the present appeal, and shall therefore be null and void upon the common expiration of such permits on September 18, 1974.

1. Permit OB-0172020, Special Condition No. 2b.

This permit condition is to be interpreted so as to allow review and change only pursuant to the limitations of the procedures set forth in the Environmental Protection Act and the Regulations.

2. Permit OB-0172020, Special Condition Nos. 2e, 2f

Hyon may operate its incinerators under full scale operating conditions for the purpose of performing system check-out and obtaining test information to support an application or applications for operating permit or permits. Tests shall be performed pursuant to the test procedures previously approved by the Agency. Test data and results shall be promptly submitted to the Agency. At such time as the test data is sufficient to support a request for an operating permit, an application for such permit shall promptly be filed with the Agency. The operation as permitted by Permit Number OB-0172020 shall in no event continue beyond September 18, 1974.

3. Permit 1973-EB-2354-OP, Special Condition No. 9
Permit 1973-EB-2345-OP, Special Condition No. 15
Permit 1973-EB-2352-OP, Special Condition No. 11
Permit 1973-EA-2262-OP, Special Condition No. 10

Within seven days after executing a contract to treat waste, Hyon shall notify the Agency in writing of the volume and nature of the wastes and the proposed method of treatment. In the event an emergency situation necessitates Hyon's acceptance of wastes sooner than seven days after executing such contract, Hyon shall in addition furnish the Agency with such information by telephone within 24 hours of entering such contract. The Agency shall approve or disapprove of each such contract within seven days after notification. Failure of the Agency to so act within seven days shall

constitute approval. Agency approval shall not relieve Hyon of its obligation to comply with the Act, Regulations, and all permit conditions. In the event the Agency disapproves of a contract, it shall notify Hyon in writing of such disapproval indicating the reasons thereof. Continued acceptance of wastes subsequent to Agency disapproval shall constitute a violation of these permits. Agency disapproval of any waste treatment contract shall be appealable to the Board as a denial of an operating permit. Notice under this permit condition shall be deemed given by mailing, by properly addressed first class or registered mail, to the parties at the following addresses:

Illinois Environmental Protection Agency
ATTENTION: S.P. Gambhir
2121 West Taylor Street
Chicago, Illinois 60612

and

ATTENTION: Charles Willard
Illinois Naval Armory
East Randolph and the Lake
Chicago, Illinois 60601

Hyon Waste Management Services, Inc.
ATTENTION: E.R. Ackerson
11700 South Stony Island Avenue
Chicago, Illinois 60617

In consideration of the Agency's agreement to cease requiring that Hyon's customers obtain permits or permission from the Agency to ship waste to Hyon for treatment, Hyon shall file an appropriate motion for dismissal of certain litigation pending in the Circuit

Court of Cook County, Illinois styled Hyon Waste Management Services, Inc. v. Illinois Environmental Protection Agency, 73 CH 5699.

4. Permit 1973-EB-2354-OP, Special Condition No. 4
- Permit 1973-EB-2345-OP, Special Condition No. 9
- Permit 1973-EB-2352-OP, Special Condition No. 5
- Permit 1973-EA-2262-OP, Special Condition No. 5 & 8

With regard to the freeboard requirement, the following shall be deemed compliance with the permit, permit language notwithstanding:

- (a) Bio-beds - freeboard requirement inapplicable so long as there is no appreciable standing liquid.
- (b) Receiving stations - 24 inch minimum.
- (c) Activated sludge vessels - 24 inch minimum.
- (d) Clarifier - 18 inch minimum.
- (e) Pickle liquor solids drying area - inapplicable if no appreciable standing liquid.

5. Permit 1973-EB-2351-OP, Special Condition No. 10
- Permit 1973-EB-2353-OP, Special Condition No. 10
- Permit 1973-EB-2263-OP, Special Condition No. 10
- Permit 1973-EA-2262-OP, Special Condition No. 7

With regard to the freeboard requirement, the following shall be deemed compliance with the permit, permit language notwithstanding:

- (a) Intermediate basins - 24 inch minimum.
- (b) Retention basins 1 and 2 - 24 inch minimum
- (c) Retention basin No. 3 - 24 inch minimum.

(d) Pickle liquor treatment basins - 36 inch minimum.

6. Permit 1973-EB-2354-OP, Special Condition No. 6
- Permit 1973-EB-2345-OP, Special Condition No. 12
- Permit 1973-EB-2352-OP, Special Condition No. 8
- Permit 1973-EB-2351-OP, Special Condition No. 13
- Permit 1973-EB-2353-OP, Special Condition No. 14

The permit conditions questioned here shall be deemed changed to the following languages:

"Operation of this permitted facility is contingent upon the satisfactory operability of all downstream systems upon which the operation of this permitted facility is dependent."

7. Permit 1973-EB-2345-OP, Special Condition No. 8
- Permit 1973-EB-2351-OP, Special Condition No. 8
- Permit 1973-EB-2353-OP, Special Condition No. 8
- Permit 1973-EA-2263-OP, Special Condition No. 8
- Permit 1973-EA-2262-OP, Special Condition No. 8⁵

The test well monitoring requirement of these permits shall be reviewed by the Agency to reduce the number of contaminants under Rule 408 for which analysis must be made on each sampling. A reduction of sampling frequency will also be considered. This issue shall be deemed withdrawn from the present appeal without prejudice, subject to the results of the Agency's study of the initial samples.

8. Permit 1973-EB-2354-OP, Special Condition No. 8

This condition will be deemed met upon the naming by Hyon of a backup disposal site for use in the event that Hyon's own facilities, which are intended for use at least throughout the near future, become unavailable. Such site shall be subject to

approval by the Agency, within the limits of its lawful authority.

9. Permit 1973-EB-2345-OP, Special Condition No. 4

This condition shall be deemed met upon the submission by Hyon of the list of the subject equipment presently on hand, and a statement acceptable to the Agency of the satisfactory manner in which such existing equipment is capable of servicing the bio-beds.

10. Permit 1973-EB-2351-OP, Special Condition No. 3

It shall be permissible for Hyon to use the stabilization basins for (1) stabilization purposes and (2) handling recirculated scrubber water from the incinerator scrubber.

11. Permit 1973-EB-2353-OP, Special Condition No. 3

It shall be permissible under this permit to use Basins 1 and 2 to temporarily accommodate overflows due to excessive storm water or plant breakdown emergencies, but not to receive or act as a backup holding facility for raw incoming waste waters.

12. Permit 1973-EB-2345-OP, Special Condition No. 14
Permit 1973-EB-2352-OP, Special Condition No. 10
Permit 1973-EA-2262-OP, Special Condition No. 9

This condition will be deemed met upon the naming by Hyon of a backup disposal site for use in the event that Hyon's own facilities, which are intended for use at least throughout the near future, become unavailable. Such site shall be subject to approval by the Agency, within the limits of its lawful authority.

13. All Permits, Expiration Date of September 18, 1974.

In view of the Agency's present practice of reissuing

operating permits without requiring new technical submittals (except in the case of significant changes to equipment or operation), this issue may be dismissed from this appeal without prejudice.

I, Christan L. Moffett, Clerk of the Pollution Control Board, certify that the above Opinion and Order was adopted on this 7th day of March, 1974 by a vote of 5-0.

Christan L. Moffett