

ILLINOIS POLLUTION CONTROL BOARD
September 9, 1993

IN THE MATTER OF:)
)
PETITION OF AKZO CHEMICALS INC.) AS 93-8
FOR ADJUSTED STANDARD FROM) (Adjusted Standard)
35 ILL. ADM. CODE 304.105)
AND 302.208)

ORDER OF THE BOARD (by B. Forcade):

On August 20, 1993, AKZO Chemicals Inc. (AKZO) filed a petition for an adjusted standard. AKZO is requesting an adjusted standard for its Morris, Illinois facility. The petition seeks an adjusted standard from 35 Ill. Adm. Code 304.105 as it applies to the water quality standards for discharges of total dissolved solids, chloride, sulfate and boron. AKZO is also seeking an adjusted standard from 35 Ill. Adm. Code 302.208 for the same constituents.

Section 28.1(c) of the Environmental Protection Act (Act) (415 ILCS 5/28.1(c) (1992)) requires a petitioner for an adjusted standard to prove that:

1. factors relating to that petitioner are substantially and significantly different from the factors relied upon by the Board in adopting the general regulation applicable to that petitioner;
2. the existence of those factors justifies an adjusted standard;
3. the requested standard will not result in environmental or health effects substantially and significantly more adverse than the effects considered by the Board in adopting the rule of general applicability; and
4. the adjusted standard is consistent with any applicable federal law.

In addition, 35 Ill. Adm. Code 106.705 requires the petitioner to provide certain information in the petition to the Board.

While the petitioner has provided the information required by 35 Ill. Adm. Code 106.705, the Board finds that the petition does not contain sufficient information to comply with the requirements of Section 28.1(c) of the Act. Therefore, the Board finds that the petition filed by AKZO is insufficient for Board consideration and directs AKZO to file an amended petition in accordance with the requirements of Section 28.1(c) of the Act.

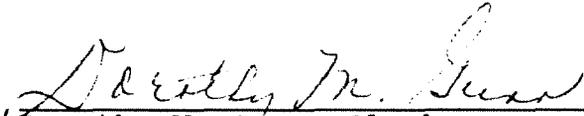
The Board also notes that Attachment 7 of the petition is incomplete in that pages are missing. Alternate pages are

missing from the study on "Acute Toxicity of Chlorides, Sulfates and Total Dissolved Solids to Some Fishes in Illinois". Attachment 7 also includes two copies of a report entitled "Ambient Aquatic Life Water Quality Criteria for Chloride" but pages are missing from both copies. AKZO should review its petition to assure that all necessary pages of reports and studies have been provided in the attachments. AKZO should include a complete copy of the attachments in its amended petition.

If AKZO does not file an amended petition, addressing the above issues, on or before November 12, 1993, this matter may be subject to dismissal.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 7th day of September, 1993, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board