

ILLINOIS POLLUTION CONTROL BOARD  
October 7, 1999

BORDEN CHEMICALS AND PLASTICS OPERATING	)	
LIMITED PARTNERSHIP,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 97-102
	)	(Variance - Water)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	
	)	

ORDER OF THE BOARD (by M. McFawn):

On November 6, 1997, the Board granted Borden Chemicals and Plastics Operating Limited Partnership (Borden) a variance from 35 Ill. Adm. Code 302.211(b)-(e) and 304.105, which establish water quality standards for temperature and prohibit violation of those standards, respectively, for effluent from its Illiopolis, Illinois plant. Borden Chemicals and Plastics Operating Limited Partnership v. Illinois Environmental Protection Agency (November 6, 1997), PCB 97-102. As a condition of the variance, Borden was required to adhere to a timeline for achieving compliance. The timeline set specific dates by which Borden was to have reached certain milestones toward compliance. *Id.* at 8-9.

On September 9, 1999, Borden filed a "Motion to Amend Order and Opinion of the Board to Modify Variance Schedule." By this motion, Borden seeks to change the target dates for several of the items in the compliance timeline imposed in the Board's order of November 6, 1997. Specifically, items 9 through 11 of the original timeline<sup>1</sup> provided:

Item	Description	Completion Date
9	Choice of compliance option and/or decision to pursue adjusted standard	9/30/1999
10	Install equipment to implement compliance option and/or file adjusted standard petition	1/30/2000
11	Install equipment to implement compliance option (if compliance option technically and economically feasible)	10/31/2000

Borden seeks to change the completion dates for these items to May 30, 2000, August 30, 2000, and June 15, 2001, respectively. Borden seeks these changes because, according to its motion, changes in its operations since its variance was granted have changed the characteristics of its effluent. Mot. at 3-4. As a result, Borden needs more data to evaluate its compliance options. Specifically, Borden asserts that it will not have sufficient winter sampling data under its new configuration until March of 2000. Mot. at 5. Borden is not seeking to change or extend the final date for compliance under the variance. On September 15, 1999, the Illinois Environmental Protection Agency filed a response to the motion, indicating that it had no objection to the motion being granted by the Board.

Borden's motion is granted. Items 9, 10 and 11 of the table located at pages 8 and 9 of the Board's opinion and order of November 6, 1997, are hereby amended to read as follows:

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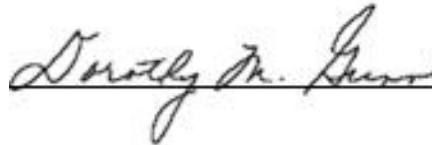
<sup>1</sup> As modified by the Board's order of January 8, 1998, in this matter.

Item	Description	Completion Date
9	Choice of compliance option and/or decision to pursue adjusted standard	5/30/2000
10	Install equipment to implement compliance option and/or file adjusted standard petition	8/30/2000
11	Install equipment to implement compliance option (if compliance option technically and economically feasible)	6/15/2001

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 7th day of October 1999 by a vote of 6-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board