

ILLINOIS POLLUTION CONTROL BOARD

August 22, 2002

AKZO NOBEL SURFACE CHEMISTRY )  
LLC, )  
 )  
Complainant, )  
 )  
v. ) PCB 03-3  
 ) (Variance - Water)  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

ORDER OF THE BOARD (by N.J. Melas):

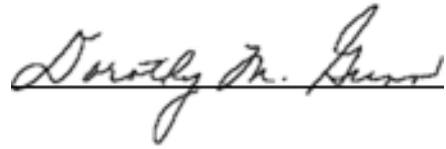
On July 8, 2002, Akzo Nobel Surface Chemistry LLC (Akzo) filed a petition seeking variance from the requirements of 35 Ill. Adm. Code 304.120, governing biochemical oxygen demand and total suspended solids, effective May 4, 1989, and of 35 Ill. Adm. Code 304.122, governing total ammonia nitrogen, effective December 23, 1996. The original petition was deficient in several aspects and on July 11, 2002, the Board ordered Akzo to file an amended petition. On August 5, 2002, Akzo did so, requesting a variance from the same regulations as set forth above. Akzo requests a variance from these regulations to be effective immediately until December 31, 2004. The variance sought is for Akzo Nobel's Morris plant located south of U.S. Route 6 in Aux Sable Township, Grundy County. In the petition, Akzo requests a hearing on its petition pursuant to 35 Ill. Adm. Code. 104.204(n). The Board accepts this matter for hearing.

The Board directs that this matter proceed to hearing as expeditiously as practicable. The assigned hearing officer must set the matter for hearing in accordance with the requirements of the Environmental Protection Act and the Board's procedural rules. It is the responsibility of the hearing officer to guide the parties toward prompt resolution of this matter, through whatever status calls and hearing officer orders he determines are necessary and appropriate.

Unless otherwise ordered by the hearing officer, the Agency shall file its recommendation in this matter within 45 days of the filing of Akzo's amended petition or at least 30 days before the scheduled hearing, whichever is earlier. See 35 Ill. Adm. Code 104.216(b).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order August 22, 2002, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board