ILLINOIS POLLUTION CONTROL BOARD June 10, 1982

BORDEN CE	HEMICAL COMPANY,		
	Petitioner,)	
	V.	<u> </u>	PCB 82-74
ILLINOIS AGENCY,	ENVIRONMENTAL PROTECTION)	
	Respondent.))	

OPINION AND ORDER OF THE BOARD (by J.D. Dumelle):

On June 10, 1982 the Illinois Environmental Protection Agency (Agency) filed a recommendation that Borden Chemical Company be granted a provisional variance from the suspended solids limitation of Rule 404(c) of Chapter 3: Water Pollution. The Agency has concluded that compliance on a short-term basis with the suspended solids limitation under the circumstances in this case would impose an arbitrary or unreasonable hardship on Borden and, in fact, that delay in granting this provisional variance could result in greater environmental harm. Therefore, pursuant to Section 35(b) of the Environmental Protection Act the Board will grant this recommended provisional variance.

The Board notes, however, that Borden is currently under a variance from the effluent and water quality standards for TDS and chloride (PCB 78-296, 34 PCB 71, June 22, 1979) and that an enforcement action was filed against it in PCB 81-18. While this provisional variance should help resolve many of the alleged water violations on which these actions are based, the Board generally does not favor the use of a provisional variance in cases where there appears to have been sufficient time to apply for an extension of an existing variance.

ORDER

The Board hereby grants Borden Chemical Company a provisional variance from the Rule 404(c) limitation for suspended solids for a period of 45 days beginning on June 14, 1982, subject to the following conditions:

1. Borden shall inform the Agency at its Springfield Regional Office (217/786-6892) on or prior to the day that each of the final polishing lagoons is removed from service and on or prior to the day that the new serpentine stream system is placed in operation;

- 2. Borden shall continue sampling its effluent in accordance with its NPDES permit;
- 3. Effluent concentrations of suspended solids discharged shall not exceed 18 mg/l on a monthly average basis or 30 mg/l on a daily maximum basis;
- 4. The contents of any final polishing lagoons removed from service shall be recirculated through the entire treatment process prior to discharge;
- 5. Within ten days of the date of this Order, Borden shall execute a certificate of acceptance and agreement in the following form:

CERTIFICATION

I, (We), the Borden Chemical Company, having read the Order of the Illinois Pollution Control Board in PCB 82-74, dated June 10, 1982, understand and accept said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

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By:	Authorized	Agent
Titl	е	
Date	мин на учения на выформации на намерии на намери	овременту повержности — производительности повет портиненту на производений повет на повет на повет на повет н Повет повет на повет

The certification shall be addressed as follows:

Illinois Environmental Protection Agency Division of Water Pollution Control Compliance Assurance Section 2200 Churchill Road Springfield, Illinois 62706

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the _/ot__ day of ________, 1982 by a vote of _______.

Christan L. Moffett, Clerk
Illinois Pollution Control Board