

ILLINOIS POLLUTION CONTROL BOARD
March 2, 1978

DERBY MEADOWS UTILITY COMPANY,)
)
) Petitioner,)
)
) v.) PCB 77-153
)
) ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by Mr. Young):

On February 9, 1978, Petitioner Derby Meadows Utility Company filed a Motion for Issuance of Operating Permit and Modification of Board Order in this variance proceeding.


Section 12(f) of the Act provides that no person shall discharge any contaminant to the waters of the State without an NPDES permit issued by the Agency under Section 39(b) of the Act. Issuance of NPDES permits is governed by Part IX Subpart A of Chapter 3 of the Board's Rules and Regulations (see Board Order dated November 10, 1977, in R76-4).

Rule 902(g) of Chapter 3 provides that any person having an NPDES permit issued by the USEPA for an existing discharge which will substantially change in nature or increase in volume or frequency must apply for an NPDES permit. On receipt of such application, the Agency shall process the application in accordance with the procedures set forth in Part IX Subpart A of Chapter 3. The Motion is denied.

Mr. Werner dissents.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 2ND day of March, 1978 by a vote of 4-1.


Christan L. Moffett, Clerk
Illinois Pollution Control Board