



be in violation of standards. The EPA representative said that compliance with the stricter standards applicable to a general use stream would be required by December 31, 1973. (Note: Under our current Regulation the "restricted use" waters are called "secondary contact and indigenous aquatic life waters".)

If denied the right to operate this Outfall, Petitioner claims that all production units served by the Outfall would be forced to shut down. This would affect three-fourths of Petitioner's plant and would necessitate the layoff of approximately 105 people.

Petitioner plans to solve the outfall problem by relocating the discharge point of Outfall #001 so that the water is discharged directly to the Calumet River. This relocation will require time for preparation of permit applications, issuance of construction permits, preparation of engineering plans, letting of contracts and actual construction. Petitioner believes that the project can be completed by December 31, 1974, a date the Agency found acceptable.

At times the Calumet River flows into Wolf Creek. Allied compared this reverse flow to its discharge of 3,000-7,000 gpm and argued, rather convincingly, that Wolf Creek probably suffers no adverse environmental effects from the plant discharge.

The Agency states that any variance from Rule 402 is moot since Petitioner failed to provide any data indicating a violation of water quality standards. However, the Agency did express some concern that Petitioner may be increasing the concentration of total suspended solids as a result of algae sloughing in the cascade cooler through which the water flows prior to discharge. Under the circumstances we do not believe the request for variance from Rule 402 is moot.

Petitioner already has a permit in apparent compliance with Rule 903(c)(1) but fears that the Agency may be planning some type of corrective action regarding the erroneously issued permit. This is a legitimate concern which prevents us from declaring that request moot.

We believe that the hardship Petitioner will suffer from denial of a variance outweighs the minimal environmental impact this discharge will have during 1974. Therefore, we will allow the variance.

#### ORDER

It is the Order of the Pollution Control Board that Allied Chemical Corporation be granted variance from Rules 402, 408(a) (as that Rule pertains to suspended solids), 903(c)(1) and 1002 of the Illinois Water Pollution Control Regulations for its

Chicago chemical manufacturing plant until December 31, 1974 for the purpose of allowing the physical relocation of Outfall #001 as outlined in this Opinion.

This Opinion constitutes the findings of fact and conclusions of law of the Board.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 28<sup>th</sup> day of March, 1974 by a vote of 5 to 0.

Christan L. Moffett