ILLINOIS POLLUTION CONTROL BOARD February 7, 1972

GRANITE CITY	STEEL	CO.)		
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V.)	PCB	72-34
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ENVIRONMENTAL	PROTI	ECTION	AGENCY)		

Opinion and Order of the Board (by Mr. Currie):

Granite City Steel asks a variance from existing and proposed regulations respecting water pollution. We dismiss the request as premature and on the ground it does not allege facts sufficient if proved to support the grant of a variance.

The company first asks that it not be required to meet public water supply water quality criteria in Horseshoe Lake, to which it discharges. The water quality criteria in question are presently being considered in the pending #R 71-14; they have not yet been adopted, and a request for variance from them is thus premature.

The second request is for an interpretation of Rule 401(b) of our new effluent standards to allow credit for iron, suspended solids and color in intake water taken from another source and discharged after use to Horseshoe Lake. We cannot give advisory opinions. The proper course for the company is to seek a permit for its operations from the Agency when the pending permit regulations become effective, and, if necessary, thereafter to contest an unfavorable Agency interpretation before the Board. Application of the regulations to individual cases is in the first instance up to the Agency with resort to the Board if and only if a dispute arises.

The request for a variance in the event of an adverse interpretation is premature, and it is not supported by factual allegations indicating the basis on which an arbitrary or unreasonable hardship is thought to exist. The petition is dismissed.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this 7th day of February, 1972 by a vote of 5-0.

Christan offett