

ILLINOIS POLLUTION CONTROL BOARD
January 10, 1985

DEAN FOODS,)
)
 Petitioner,)
)
 v.) PCB 81-151
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by B. Forcade):

On August 22, 1984, this Board issued an Opinion and Order disposing, on the merits, of Dean's NPDES permit appeal in this matter. On October 26, 1984, the Board denied Dean's motion to reconsider and modify that Opinion and Order. On November 21, 1984, Dean filed a Petition for Review of the Board's decision with the Second District Appellate Court of the State of Illinois.

On December 13, 1984, Dean filed a Request for Stay of that portion of the Board's August 22, 1984 decision which affirmed the sampling location condition of Dean's permit. On January 8, 1985, the Agency responded to the Request for Stay and objected to it. The Board denies Dean's request.

Dean argues that requiring immediate compliance with the monitoring location condition will require Dean to expend substantial sums of money when present discharges have no adverse environmental impact. While these arguments may have merit for allowing Dean to discharge pollutant concentration at levels above those stated in the Board's substantive regulations, they do not have merit for allowing Dean to improperly measure pollutant concentrations.

Dean has filed a site-specific regulatory petition seeking to allow continuation of present discharges, R82-25, and the Board is prepared to proceed with that matter. Should Dean need interim relief, Title IX of the Act provides a mechanism. However, improper measurement of pollutant concentrations is not the way to cure Dean's problems in complying with Board regulations.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 10th day of January, 1985 by a vote of 5-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board