

ILLINOIS POLLUTION CONTROL BOARD
July 24, 1980

STEPAN CHEMICAL COMPANY,)
)
 Petitioner,)
)
 v.) PCB 79-161
)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

INTERIM ORDER OF THE BOARD (by I. Goodman):

The hearing in this NPDES permit review case was held on February 4, 1980 and all scheduled briefs were submitted by April 22, 1980; nonetheless, the Board finds that the parties have not presented information sufficient for determining whether a monitoring requirement and an effluent limitation for chemical oxygen demand (COD) are terms required to be included in Stepan's NPDES permit. Stepan has not challenged the Agency's contention that 40 CFR Part 417, Subparts I, J, N, P, and R impose COD effluent guidelines for certain Stepan process streams. Stepan instead has argued that there is no way to test the COD concentration of these process streams because they intermingle with treatment plant process streams which are not subject to COD limitations. (Pet. Reply Brief, p. 8).

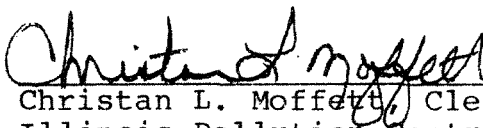
Sections 417.92, 417.102, 417.142, 417.162, and 417.182 of Subparts I, J, N, P, and R respectively are guidelines representing that degree of effluent reduction attainable by applying "best practicable control technology" (BPT) currently available. These sections allow an adjustment of effluent limitations if factors related to an individual discharger's equipment, facilities, or processes are "fundamentally different" from the factors considered by the United States Environmental Protection Agency (USEPA) in establishing the BPT guidelines.

In order to reach a decision in this NPDES permit review, the record must contain pertinent information as to whether Petitioner's inability to test its process streams for COD concentrations is a factor which is fundamentally different from those factors considered by the USEPA in establishing the BPT guidelines. The Board, therefore, orders that each of the parties submit a concise memorandum addressing whether there are factors related to Petitioner's equipment, facilities, processes, etc. which are fundamentally different from those considered by

the USEPA, as noted above, which would enable the Board to determine whether the COD limitations should be included as terms of Petitioner's NPDES permit. The memoranda shall be submitted to the Board within 60 days of the date of this Order.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 24th day of July, 1980 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board