

ILLINOIS POLLUTION CONTROL BOARD  
July 10, 1980

BORG-WARNER CORPORATION, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 80-116  
 )  
 ILLINOIS ENVIRONMENTAL PROTECTION )  
 AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by I. Goodman):

Petitioner's June 6, 1980 Motion for Expedited Ruling on Motion for Stay is hereby granted.

Petitioner alleges that each of the below objected-to NPDES permit conditions are new ones and, since not the result of any change in law or regulation or in operation of the plant, or of any showing of "public need," the Board should allow stay of these three conditions pending final disposition of Petitioner's permit appeal.

Ammonia-nitrogen Concentration and Load Limitations in Process Discharge No. 001C. Petitioner contends its Linmar plant is exempt under Rule 406 of Chapter 3 from any discharge limitations because the untreated waste load is less than 50,000 population equivalents. Petitioner complains that the Agency's interpretation of Rule 406 imposes a discharge limitation "even though the impact of the untreated waste load is less than 50,000 population equivalents." Petitioner alleges its untreated waste load is less than 50,000 population equivalents and the Agency's June 12, 1980 opposition to the motion does not refute this. For this reason, stay of these limitations is granted.

Condition 3A, Attachment B-2. Petitioner pleads that "inclusion ... without specific application to the particular facility for which the permit is issued is ... unlawful." Although Petitioner does not state why it is unlawful, it states that the temperature of the upstream receiving waters may be higher than the "natural" temperature. The provisions of Rule 402 of Chapter 3 convince the Board that a stay is appropriate.

Special Condition 2, Attachment G. Petitioner merely alleges that the Agency had no authority in state or federal laws or regulations to impose this condition. This is insufficient to convince the Board that a stay should be granted.

The Board hereby orders stay of the following conditions in Petitioner's NPDES Permit No. IL0001929 for 120 days from the date of this Order:

1. Ammonia-nitrogen concentration limitation in Discharge No. 001C (daily maximum of 3.0 mg/l);
2. Ammonia-nitrogen load limitations in Discharge No. 001C (daily average of 357 lbs. and daily maximum of 700 lbs.); and
3. Condition 3A, Attachment B-2.

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 10<sup>th</sup> day of July, 1980 by a vote of 50.

Christan L. Moffett  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board