

ILLINOIS POLLUTION CONTROL BOARD
November 3, 1988

ALLIED-SIGNAL, INC.,)
)
 Petitioner,)
)
 v.) PCB 88-172
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by B. Forcade):

On October 21, 1988, the Allied-Signal, Inc. ("Allied") filed a petition for variance, seeking relief from the arsenic effluent standards at 35 Ill. Adm. Code 304.124. That petition is deficient in that it fails to provide the Board with all available information on the amount and form of arsenic in petitioner's effluent and fails to provide available information on the results of toxicity testing on petitioner's effluent. Therefore, the Board will require the following information be submitted:

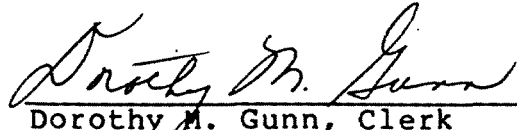
1. all available information on the past and present concentrations of arsenic (in any form) found in petitioner's effluent; and
2. a full and complete copy of the toxicity report described in paragraph 14 of the petition.

Unless an amended petition is filed within 45 days of the date of this Order, curing the above-noted defect, this matter will be subject to dismissal.

In addition, on October 31, 1988, Allied filed a permit appeal seeking review of a NPDES permit by the Illinois Environmental Protection Agency captioned PCB 88-172. The Board has re-captioned this permit appeal as PCB 88-174. Allied is cautioned that the variance, PCB 88-172, and the permit appeal, PCB 88-174, are two separate and distinct proceedings. They have different due dates; different legal standards apply; and evidence introduced into one is not part of the other proceeding. These proceedings are not and cannot be consolidated and any documents Allied wishes to file must be directed to one specific proceeding. The Board will attempt to assign both proceedings to the same hearing officer so that it may be possible to have the hearing at the same date and place.

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 3rd day of November, 1988 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board