

ILLINOIS POLLUTION CONTROL BOARD  
November 3, 1988

THE NUTRASWEET COMPANY AND )  
CONSUMERS ILLINOIS WATER COMPANY, )  
 )  
Petitioner, )  
 )  
v. ) PCB 88-84  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

ORDER OF THE BOARD (by J. Marlin):

In this matter the NutraSweet Company (NutraSweet) is seeking variance from Section 307.102 as it applies to the general use water quality standard for total dissolved solids (TDS) set forth by Section 302.208. However, the Board rewrote Section 307.102 as Section 307.1101 in the Pretreatment Amendments (R86-44) which became effective on January 13, 1988. Section 307.1101 applies only to persons who discharge to publicly owned treatment works (POTW).

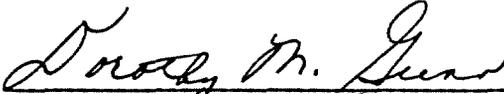
According to the filings in this matter, NutraSweet discharges to Consumers Illinois Water Company (CIWC), and CIWC is a privately-owned wastewater treatment works, not a POTW. (Pet., p. 5; Ag. Rec., p. 5)

The Board requests that the parties brief the issue of whether the Board may grant a variance as requested by NutraSweet and CIWC. At a minimum, the briefs should address: whether the regulations at issue are applicable to NutraSweet; whether a variance may be granted to one person due to the arbitrary or unreasonable hardship which would be suffered by a different person; and whether NutraSweet, even if not a recipient of a variance, may be bound by conditions to a variance granted to CIWC.

All parties to this proceeding should file their briefs no later than November 29, 1988.

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.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board