

ILLINOIS POLLUTION CONTROL BOARD  
July 31, 1986

VILLAGE OF SAUGET, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 86-58  
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 ) ILLINOIS ENVIRONMENTAL PROTECTION )  
 ) AGENCY, )  
 )  
 ) Respondent. )

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MONSANTO COMPANY, )  
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 ) Petitioner, )  
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 ) v. ) PCB 86-63  
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 ) ILLINOIS ENVIRONMENTAL ) (Consolidated)  
 ) PROTECTION AGENCY, )  
 )  
 ) Respondent. )

ORDER OF THE BOARD (by J. Anderson):

On July 11, 1986, Sauget filed a motion to stay enforcement of contested conditions of the new NPDES permit for the American Bottoms Regional Treatment Facility (AB plant). No responses thereto have been filed.

Sauget petitions for entry of a stay order, in part, because of its receipt of a letter from USEPA on June 16 concerning this permit, as well as the reissued permit for its existing physical/chemical plant (P/C plant) which is the subject of the PCB 86-57 appeal. This letter states in pertinent part that USEPA "considers these permits to be in full force and effect regardless of the status of the appeals before the IPCB", and specifically mentions interest in ensuring that two special conditions of this new permit are "complied with on time".

The conditions for which stay is sought, are enumerated and characterized by Sauget at pages 2-5 of its motion, as follows:

"a) the effluent limitations for cadmium, chromium and an effluent limitation on mercury which does not reflect a previously granted site-specific rule (AB Permit at p. 2);

b) the inter-plant effluent limitations for discharges from the P/C plant to the AB plant (AB Permit at p. 3);

c) the requirements for a biomonitoring program and a provision allowing the NPDES permit for the AB plant to be reopened upon completion of that program (AB Permit, Special Conditions 17 and 18 at pp. 14-15);

d) the provision requiring the development of a pretreatment program encompassing the entire service area of the AB plant and which will account for the interrelationships between the NPDES permits for the P/C and AB plants (AB Permit, Special Condition 13 at p. 12);

e) the effluent limitation based upon toxicity (AB Permit, Special Condition 16 at p. 14);

f) the requirement that the actual mixing patterns of the discharge from the AB plant with the Mississippi River be documented (AB Permit, Special Condition 19 at p. 15);

g) the requirements that Sauget identify a list of materials far beyond those listed as priority pollutants; test for materials for which there are no accepted protocols; and identify any chemical believed to have a potential for pass-through or interference (AB Permit, Special Condition 20 at pp. 15-19);

h) conditions which allow IEPA to reopen the permit for virtually any reason (AB Permit, Special Conditions 14, 15, 16, 18 and 20 at pp. 14-19);

i) the duplicative requirement that Sauget continuously monitor TOC in the (sic) discharge (AB Permit at p. 2);

j) a provision requiring the duplicative and unnecessary submission of data to both IEPA and the United States Environmental Protection Agency (AB Permit, Special Condition 3 at pp. 5-6);

k) the insertion of erroneous and unattainable compliance schedule dates, including the dates for attaining operational levels (April 30, 1986), for completing diversion of all flows to the AB plant (July 20, 1986) and for attaining full operational level (January 20, 1987) (AB Permit, Special Condition 8 at p. 9);

l) the inclusion of a retroactive provision requiring the submission to IEPA and U.S.EPA of twice yearly construction grant progress reports for the period going back in time to the commencement of construction of the AB plant and continuing until its completion (AB Permit, Special Condition 8 at p. 9); and

m) a condition prohibiting the discharge of unspecified "additional pollutants" if their discharge would violate any applicable federal or state water quality standards, effluent guidelines or other limitation unless a limit for that pollutant is specifically set forth in the permit (AB Permit, Special Condition 10 at p. 10)."


In support of its motion, Sauget asserts that the grant of a stay will have minimal environmental impact, if any, because a) the AB plant is not now, and will not be, fully operational until March, 1987 and b) the flows from the P/C plant have not been diverted to the AB plant as it is not yet ready to receive and treat these flows. Sauget asserts that as decision, pursuant to waiver, is due January 21, 1987, that a Board decision will have been reached before the plant is operational and before certain monitoring requirements and effluent limitations become necessary.

As balanced against this asserted minimal harm, Sauget alleges that the impact of denial of stay would be significant. As to some conditions whose compliance deadlines occur this summer, Sauget argues that denial of stay could effectively deny it an opportunity to have its position heard and adjudicated by the Board. As to the testing, monitoring and reporting requirements, Sauget asserts that many are beyond the Agency's authority to impose, and that compliance costs will be substantial.

Given Sauget's assertions, and the lack of response by the Agency, the Board will grant Sauget's motion. The contested conditions, as outlined above, are stayed through January 21, 1987.

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 31<sup>st</sup> day of July, 1986 by a vote of 5-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board