

ILLINOIS POLLUTION CONTROL BOARD
September 4, 1980

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

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

The Agency's August 22, 1980 motion for reconsideration of the Interim Order of July 24, 1980 is granted. Such Order is hereby voided.

The Board orders the parties to supplement the record in this matter by submitting memoranda upon the following legal issues raised by this NPDES appeal:

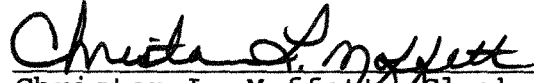
1. Which of Subparts I, J, N, P, and R of 40 C.F.R. Part 417 applies to the point source/s covered by the NPDES permit under appeal? Do any of these apply to the intermingled process streams as a single point source?
2. Under what legal authority did the Agency impose monitoring requirements (cite specific regulation or statute)?
3. On what legal bases was the Agency's decision to require monitoring of COD effluent from any relevant point source/s made?
4. Did the Agency have any duty to consider (pursuant to any of Subparts 417.92, 417.102, 417.142, 417.62, and 417.182 of 40 C.F.R.) whether, notwithstanding the terms of Stepan's original USEPA-issued permit, the intermingling of process streams constituted a "fundamentally different factor" for Stepan's facility from those specified in USEPA's Development Document pertaining to BPT for that subpart? If so, must the Agency make a written finding before drafting the permit or before issuing the permit (or, where denying a permit, must the written finding be made part of the §39 statement of denial)?

The parties are ordered to submit these memoranda within 45 days of the date of this Order.

IT IS SO ORDERED.

Mr. Satchell concurs.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Interim Order was adopted on the 4th day of September, 1980 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board