

ILLINOIS POLLUTION CONTROL BOARD  
October 28, 1976

INDUSTRIAL WATER SUPPLY COMPANY, )  
 )  
 ) Petitioner, )  
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 )  
 ) v. ) PCB 76-207  
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 ) ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

OPINION AND ORDER OF THE BOARD (by Mr. Goodman):

This matter comes before the Board upon Petition for Variance by Industrial Water Supply Company (IWS) for a variance from the requirements of the definition of "dilution ratio" appearing in Rule 104 of the Pollution Control Board Rules, Chapter 3, Part I as applied to Rule 404 for IWS' treatment plant at Ficklin, Illinois. The Illinois Environmental Protection Agency (Agency) submitted its recommendation herein on September 14, 1976. No hearing was held, and no citizen complaints have been received.

This is the second time IWS has come before the Board requesting a variance from a definition appearing in the Board's Rules. The petition in this case is almost identical to the petition in the previous case, PCB 76-39, which the Board dismissed without prejudice as insufficient in its Order of May 6, 1976. The Board hereby incorporates that Opinion and Order herein by reference. The problem of insufficiency as outlined in the May 6, 1976 Order of the Board remains in this petition and, therefore, the Board must again dismiss the petition as inadequate.

Upon further consideration of the two variance petitions, it appears to the Board that IWS may not need a variance for its operation. The Agency in PCB 76-39 found the IWS proposal feasible


from an engineering standpoint. If indeed the proposed treatment system and discharge is feasible from an engineering standpoint and IWS can meet the Board's standards for its discharge, the Board fails to see wherein there is a problem. The Agency on the other hand indicates that IWS may not be able to meet the limits imposed by Regulation not withstanding the management of its discharge volume. The Agency further suggests that IWS has stated a cause for a possible Regulation change instead of a variance. Under the facts presented in this Petition, it appears that IWS does not contemplate dilution as a method of treatment of its waste, but rather it proposes to take advantage of the Board's recognition that as the ratio of stream flow to discharge flow becomes smaller, it becomes necessary to decrease the pollutant loading of the discharge stream.

This opinion constitutes the findings of fact and conclusions of law of the Board in this matter.

ORDER

It is the Order of the Pollution Control Board that the Petition for Variance of Industrial Water Supply Company be and is hereby dismissed without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 28<sup>th</sup> day of October, 1976 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board