

ILLINOIS POLLUTION CONTROL BOARD
November 2, 1978

NORGE COMPANY, a division of)	
Fedders Corporation,)	
)	
Petitioner,)	
)	
v.)	PCB 78-196
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

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

Petitioner has requested a variance from the requirements of Rule 404(f) of Chapter 3: Water Pollution of the Board's Rules and Regulations. The Agency recommended that a variance be granted for six months. No hearing was held.

Petitioner manufactures washers and dryers in Herrin, Illinois. As a part of its operations, Petitioner discharges approximately 0.44 million gallons of wastewater per day to an unnamed stream which flows 3 miles into Pond Creek which joins the Big Muddy River. Petitioner's NPDES permit requires that BOD and suspended solids be limited to 4 mg/l and 5 mg/l respectively (4/5). The record does not indicate whether an exemption was sought pursuant to Rule 404(f)(ii). Petitioner has engaged in a program of flow reduction and improvement in effluent quality which has shown significant progress. Petitioner has diverted much of its process wastewater to the Herrin sewer system. The most recent available monthly average data on Petitioner's discharge shows the following levels for June, 1978.

	Outfalls		
	001	002	003 & 004
BOD (mg/l)	4.9	3.5	17.7
Suspended Solids (mg/l)	5.9	6.7	10.7

Presently Petitioner is conducting a six part program of improvements consisting of characterization of wastewaters, engineering studies, isolation of waste streams, review of production processes, education of plant personnel, and negotiations with the City of Herrin for further diversion. Petitioner contends that this program should result in compliance by July, 1979.

The only alternative presented is construction of a treatment facility which would involve \$250,000 capital cost, not including land acquisition, and additional operation and maintenance expenses.

The Board finds that denial of this variance would constitute arbitrary and unreasonable hardship. Construction of a treatment facility cannot be justified when Petitioner's less expensive current program may result in compliance. It would not be appropriate to require Petitioner to initiate construction to meet the 4/5 standard when that standard may be deleted as a result of R77-12, Docket C which is pending before the Board. A variance shall be granted until August 1, 1979 to allow Petitioner to continue the 12 month program outlined in its July 27, 1978 Petition. The Agency shall be required to modify Petitioner's NPDES permit to conform with the Board's Order in this matter.

This Opinion constitutes the Board's finding of fact and conclusions of law in this matter.

ORDER

It is the Order of the Pollution Control Board that Petitioner be granted a variance from Rule 404(f) of Chapter 3: Water Pollution of the Board's Rules and Regulations until August 1, 1979 subject to the following conditions:

- 1) Petitioner shall continue its six part program of flow reduction and improvement in effluent quality which is described in its Petition; and
- 2) Within 45 days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This 45 day period shall be held in abeyance for any period this matter is being appealed. The form of the Certificate shall be as follows:

CERTIFICATION

I, (We), _____ having read and fully understanding the Order in PCB 78-196, hereby accept that Order and agree to be bound by all of its terms and conditions.

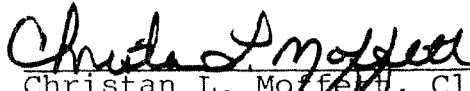
SIGNED _____

TITLE _____

DATE _____

The Agency pursuant to Rule 914 of Chapter 3 shall modify Petitioner's NPDES permit consistent with the conditions set forth in this Order including such interim effluent limitations as may reasonably be achieved through application of best practicable operation and maintenance practices in the existing facilities.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 2nd day of November, 1978 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board