

ILLINOIS POLLUTION CONTROL BOARD
October 8, 1981

CARGILL, INC.,)
)
) Petitioner,)
)
) v.) PCB 81-37
)
) ILLINOIS ENVIRONMENTAL PROTECTION)
) AGENCY,)
)
) Respondent.)

INTERIM ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon a March 5, 1981 petition for review filed by Cargill, Inc. concerning certain conditions of its NPDES Permit No. IL 0051977 issued by the Illinois Environmental Protection Agency (Agency) on February 6, 1981, for Cargill's Carpentersville plant. Hearing was held on June 11, 1981. Cargill filed its brief with the Board on July 23, 1981, and the Agency filed its brief on August 26, 1981.


The Cargill Carpentersville plant is a chemical plant which manufactures synthetic alkyd and polyester resins. The plant has no process waste discharge, but does have a storm water collection and spill control system for which the contested NPDES permit was issued.

The issue of whether an NPDES permit is required for such a system was not directly raised at hearing or in the briefs. The Board is troubled by this. The Board, therefore, orders that within 45 days of the date of this Order, both parties submit briefs to the Board on the following issues:

1. How should the Cargill system be characterized considering its dual functions of storm water collection and spill containment: i.e. is it a storm water runoff system or a treatment works;
2. Is an NPDES permit required for the Cargill facility; and
3. If not, can the Agency grant a permit when a permit is not required and, if so, does it have the power to enforce based upon a "voluntary" permit?

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Interim Order was adopted on the 8th day of October, 1981 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board