

ILLINOIS POLLUTION CONTROL BOARD

July 22, 1999

TAKASAGO INTERNATIONAL CORPORATION, )  
 )  
 Petitioner, )  
 )  
 v. )  
 ) PCB 00-8  
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, ) (Provisional Variance - Water)  
 )  
 Respondent. )  
 )  
 )  
 )

ORDER OF THE BOARD (by C.A. Manning):

On July 20, 1999, the Illinois Environmental Protection Agency (Agency) filed a request for a provisional variance and notification of recommendation on behalf of the Takasago International Corporation (Takasago) for discharge of total dissolved solids (TDS) from its facility located in University Park, Will County, Illinois. The Agency recommends that the Board grant a 45-day provisional variance from 35 Ill. Adm. Code 302.208 and 304.105 and from the Board's order In the Matter of: Petition of the NutraSweet Company and Consumers Illinois Water Company for an Adjusted Standard from 35 Ill. Adm. Code 304.105 or 302.208 (February 28, 1991), AS 89-3.

The recommended provisional variance would apply to petitioner's discharge of TDS into the sanitary sewer system of Consumer Illinois Water Company (CIWC); CIWC supports the granting of this provisional variance. This would allow Takasago to operate its aroma chemical production facility pending approval of its request to the Agency for a water pollution control permit.

The Agency states that failure to grant the requested provisional variance for 45 days would result in an arbitrary or unreasonable hardship on the petitioner. The recommendation states that the Agency

only recently informed Takasago that it believes that the previously issued adjusted standard [AS 89-3] is not applicable to Takasago, despite the fact that Takasago will continue to use the same ancillary equipment that Nutrasweet used in its operations, which will result in discharge of TDS similar to that of NutraSweet. Given its anticipated startup date of July 13, 1999, Takasago needs a provisional variance effective upon filing of this request with IEPA. IEPA is expected to grant the Water Pollution Control permit application, (Attachment C Exhibit 1) which currently is pending, upon the filing of this request for provisional variance. Takasago is in the process of preparing and intends to file a Petition to amend and renew the adjusted standard to specifically apply to Takasago's and CIWC's discharges." (Exhibit 1, page 4, provisional variance request letter). Ag. Rec. p. 2.

The Agency further states that it believes that any environmental impact from the grant of variance would be minimal:

The [Agency] bases this belief on the fact that the Petitioner's discharge will be . . . the same as . . . [that in] AS 89-3 . . . . In other words, the adjusted standard was limited to the named NutraSweet Company; this provisional variance and the projected adjusted standard will substitute Petitioner for NutraSweet. Ag. Rec. p. 3.

The Board is required, in a provisional variance, to adopt a formal order, assure formal maintenance of the record, assure the enforceability of the variance, and provide notification of the action by press release. Pursuant to Section 35(b) of the Environmental Protection Act (415 ILCS 5/35(b) (1998)), the Board must issue the provisional variance within two days of the filing.

The Board grants the petitioner the recommended provisional variance from requirements set forth in 35 Ill. Adm. Code 302.208 and 304.105 as they relate to Takasago's TDS discharges. However, the Board declines to grant petitioner a variance from the Board's final order in AS 89-3 on the grounds that it is unnecessary; the Board agrees with the Agency that AS 89-3 is not applicable to Takasago unless and until it is amended to specifically apply to Takasago. The Board will, however, include in the provisional variance a condition similar to that recommended by the Agency that petitioner's discharge is restricted to the same limits as those specified in AS 89-3 for NutraSweet.

This provisional variance is granted subject to the following conditions:

1. The variance begins on July 13, 1999, and continues for 45 days.
2. During the term of this variance, petitioner's discharge of TDS to the sanitary sewer system of Consumer Illinois Water Company is restricted to the limits as specified in AS 89-3 for discharges by the NutraSweet Company, which are as follows: Takasago's TDS discharges shall not exceed 11,100 kilograms per day (kg/day) as a maximum daily composite and 6,000 kg/day as a monthly average.
3. Petitioner shall sign a certificate of acceptance of this provisional variance and forward that certificate to the Agency within ten days of the date of this order. The certification should take the following form:

CERTIFICATION

I (We), \_\_\_\_\_, hereby accept and agree to be bound by all terms and conditions of the order of the Pollution Control Board in PCB 00-8 dated July 22, 1999.

\_\_\_\_\_  
 Petitioner

\_\_\_\_\_  
 Authorized Agent

\_\_\_\_\_  
 Title

\_\_\_\_\_  
 Date

The certificate of acceptance shall be sent within five days to the following address:

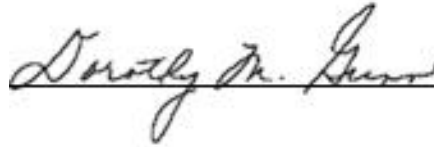
Illinois Environmental Protection Agency  
Bureau of Water - Water Pollution Control  
Compliance Assurance Section  
Wastewater Compliance Monitoring Unit  
Attention: Mark Books

1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 22nd day of July 1999 by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board