

ILLINOIS POLLUTION CONTROL BOARD
October 6, 1988

JOHN DEERE FOUNDRY, EAST MOLINE,)
)
 Petitioner,)
)
 v.) PCB 88-162
)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

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

This matter comes before the Board upon receipt of an Agency Recommendation dated October 5, 1988. The recommendation refers to a request from Petitioner, John Deere Foundry, East Moline, for a 45-day provisional variance from the water effluent limits set forth at 35 Ill. Adm. Code 304.124 and 304.205.

Upon receipt of the request, the Agency issued its recommendation, concluding that no alternative to the granting of a provisional variance currently exist; and that denial of the requested provisional variance would impose an arbitrary and unreasonable hardship on Petitioner. However, the recommendation states that federal categorical limits preclude granting of the requested variance beyond October 30, 1988.

The Board concurs with the Agency recommendation; Petitioner is granted a provisional variance subject to the following conditions:

- a. The variance shall commence on the date of the Board Order and continue until October 30, 1988.
- b. During the period of this variance, Total Phenols discharged from Outfall 003 shall be limited to the following:

Total Phenols	<u>Load Limits</u>	<u>Concentration Limits</u>
	8 lbs/daily maximum	0.8 mg/l Daily maximum

- c. Petitioner shall continue to monitor the effluent from its treatment plant for the parameters as listed in NPDES permit #IL0002992.

- d. During the period of the variance, Petitioners effluent limits shall remain the same as NPDES permit #IL0002992 except for Total Phenols as mentioned above.
- e. During this provisional variance Petitioner shall operated its wastewater treatment facility so as to produce the best effluent practicable.
- f. Within 10 days of the date of the Board's Order, Petitioner shall execute a Certificate of Acceptance and Agreement which shall be sent to Mark T. Books at the following address.

Illinois Environmental Protection Agency
 Division of Water Pollution Control
 2200 Churchill Road
 P.O. Box 19276
 Springfield, IL 62794-9276

ATTN: Mark t. Books

This variance shall be void if Petitioner fails to execute and forward the certificate within the ten day period. The ten day period shall be held in abeyance during any period that this matter is being appealed. The form of said Certification shall be as follows:

CERTIFICATION

I, (We), John Deere Foundry, East Moline, having read the Order of the Illinois Pollution Control Board, in PCB 88-162, dated October 6, 1988, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

 Petitioner

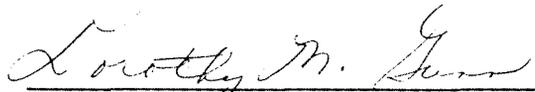
 By: Authorized Agent

 Title

 Date

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 6th day of October, 1988 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board