

ILLINOIS POLLUTION CONTROL BOARD

November 18, 1999

CATERPILLAR, INC, (Mossville Engine )  
Center), )  
 )  
Petitioner, )  
 ) PCB 00-88  
v. ) (Provisional Variance - Water)  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

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

On November 16, 1999, the Illinois Environmental Protection Agency (Agency) filed a request for a provisional variance and notification of recommendation. The Agency recommends that the Board grant a 45-day provisional variance to Caterpillar, Inc. for its Mossville Engine Center's wastewater treatment plant. The provisional variance would allow this Peoria County petitioner to complete replacement at its wastewater treatment plant of the plant's existing tertiary gravity filters with new Gravisand Traveling Bridge filters; work is scheduled to begin on or about January 10, 2000. In making its recommendation, the Agency states that failure to grant the requested provisional variance for 45 days will result in an arbitrary or unreasonable hardship on the petitioner.

The Board grants the petitioner a provisional variance from the five-day biochemical oxygen demand, suspended solids, and oil and grease limits set forth in 35 Ill. Adm. Code 304.120, 304.124, and 304.141(a) and National Pollutant Discharge Elimination System (NPDES) Permit No. IL0001414. 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 (Act) (415 ILCS 5/35(b) (1998)), the Board must issue the provisional variance within two days of the filing.

The provisional variance is granted, subject to the following conditions:

1. The variance shall begin on the date (on or about January 10, 2000) when petitioner begins bypassing the existing tertiary gravity filters and shall continue for 45 days or until the installation of the new Gravisand Traveling Bridge filters is completed, whichever occurs first.
2. During the variance period, petitioner's total suspended solids shall be limited to 45 milligrams/liter (mg/l) as a monthly average concentration and 90 mg/l as a daily

maximum concentration, biochemical oxygen demand shall be limited to 35 mg/l as a 30-day monthly average concentration and 70 mg/l as a daily maximum concentration, and oil and grease shall be limited to 25 mg/l as a 30-day monthly average concentration and 50 mg/l daily maximum concentration. Each of these limits shall be based upon composite sampling. Petitioner shall continue to meet all other limits imposed by its NPDES Permit No. IL0001414.

- 3. Petitioner shall notify Lyle Ray of the Agency by telephone at 309/693-5463 when the filters have been taken offline and again when the new filters have been put online. Written confirmation of each notice shall be sent within five days to the following address:

Illinois Environmental Protection Agency  
 Bureau of Water, Compliance Assurance Section  
 Attention: Erin Rednour  
 1021 North Grand Avenue East  
 P.O. Box 19276  
 Springfield, Illinois 62794-9276

- 4. Petitioner shall sign a certificate of acceptance of this provisional variance and forward that certificate to Erin Rednour at the address indicated above 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 00-88 dated November 18, 1999.

\_\_\_\_\_  
Petitioner

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

\_\_\_\_\_  
Title

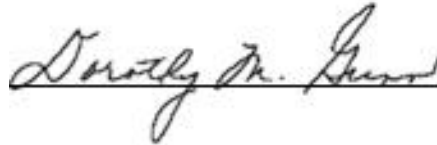
\_\_\_\_\_  
Date

- 5. Petitioner shall operate the wastewater treatment facility in such a manner so as to produce the best effluent practicable.

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 18th day of November 1999 by a vote of 6-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board