ILLINOIS POLLUTION CONTROL BOARD
July 10, 1980

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| CATERPILLAR TRACTOR COMPANY, Petitioner, | ) | |
| v. | ) | PCB 80-3 |
| ENVIRONMENTAL PROTECTION AGENCY, Respondent. | ) | |

ORDER OF THE BOARD (by D. Satchell):

On June 4, 1980 Caterpillar Tractor Company (Petitioner) filed a motion for reconsideration of the Board's Order of May 1, 1980. This Order granted in part Petitioner's March 24, 1980 motion for stay of NPDES permit conditions but denied it in other respects. The Board acknowledges that its previous Order may be in conflict with its Opinion and Order of May 1, 1980 in Peabody Coal Company v. EPA, PCB 78-296. The Board's previous Order will therefore be withdrawn. The motion for reconsideration is granted.

In its motion Petitioner argues that the permit conditions are new and discretionary within the meaning of the Board's Order of February 7, 1980. Petitioner's arguments may be correct. However, the Board will, on reconsideration, grant the requested stay without addressing these issues in detail since the Environmental Protection Agency has filed no response. The following permit conditions will be stayed for ninety days from the date of this Order:

1. The mass effluent limitations found in Attachment B;

2. Paragraph 6 of Attachment B;

3. Paragraph 1 of Attachment H; and

4. Paragraph 13 of Attachment H.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 10th day of July, 1980 by a vote of 4-1.

Christan L. Moffett, Clerk
Illinois Pollution Control Board