

ILLINOIS POLLUTION CONTROL BOARD  
December 21, 2000

LIBBEY-OWENS-FORD COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 01-94
	)	(Provisional Variance - Water)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

On December 19, 2000, the Illinois Environmental Protection Agency (Agency) filed a request for provisional variance and notification of recommendation. The Agency recommends that the Board grant a provisional variance from 35 Ill. Adm. Code 304.141(b) to Libbey-Owens-Ford Company (petitioner) for its Ottawa facility. The Agency recommends that the provisional variance commence on the date in December 2000, when make-up water is added to petitioner's waste line, to continue for 45 days, or until the Agency issues petitioner a modified National Pollutant Discharge Elimination System (NPDES) permit. The provisional variance would allow petitioner's LaSalle County facility to temporarily use make-up river or well water in its wastewater collection system during sub-freezing weather conditions in order to prevent the wastewater force main from freezing and causing potential pipe ruptures and overflow conditions at the sump. Petitioner was previously granted a 45-day provisional variance for this purpose in Libbey-Owens-Ford Company v. IEPA (February 3, 2000), PCB 00-129. In making its recommendation, the Agency states that failure to grant the requested provisional variance will result in an arbitrary or unreasonable hardship on petitioner.

The Board grants petitioner a provisional variance from 35 Ill. Adm. Code 304.141(b), subject to the following conditions:

1. The provisional variance shall begin on the date during December 2000 when make-up water is added to petitioner's waste line, and shall continue for 45 days, or until the Agency issues a modified NPDES permit authorizing this make-up water use to prevent freezing, whichever occurs first;
2. Petitioner shall notify Gene Forster of the Agency's Rockford regional office via telephone at 815-987-7755 when make-up water is added to petitioner's waste line and again when make-up water is no longer added to the waste line.

Written confirmation of each occurrence shall be sent within five days to the following address:

Illinois Environmental Protection Agency  
 Attention: Mark T. Books  
 Bureau of Water, Compliance Assurance Section  
 1021 N. Grand Avenue E.  
 P.O. Box 19276  
 Springfield, IL 62794-9276

3. Within ten days of the date of this order, petitioner shall execute a certificate of acceptance and agreement which shall be sent to Mark T. Books at the address indicated above. 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 01-94 dated December 21, 2000.

\_\_\_\_\_  
 Petitioner

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

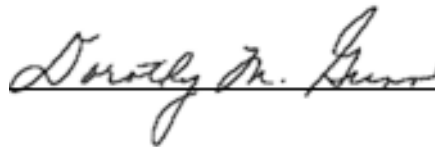
\_\_\_\_\_  
 Title

\_\_\_\_\_  
 Date

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 21st day of December 2000 by a vote of 7-0.



Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board