

ILLINOIS POLLUTION CONTROL BOARD  
June 22, 1989

MONSANTO COMPANY, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 88-206  
 ) Docket B  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by J. Marlin):

On May 31, 1989, Monsanto Company (Monsanto) filed a Motion to Modify Board Order. The Illinois Environmental Protection Agency filed no response.

Monsanto is requesting that the Board modify its Order of April 27, 1989 so as to change the timing of events concerning the implementation of Monsanto's compliance plan. Specifically, Monsanto asserts the actions described by paragraph #2, subdivisions (g), (h) and (i) cannot be performed separately. Therefore, Monsanto requests that one deadline apply to all three actions. Monsanto's requested change does not alter the ultimate compliance date set forth by the Board's April 27, 1989 Order.

Monsanto also requests that the wording of paragraph #2 be altered so that it is clear that the required compliance activities may be accomplished prior to the specified deadlines.

The Board finds these changes to be reasonable. Monsanto's motion is granted.

The Board hereby amends paragraph #2 of its Order dated April 27, 1989 to read as follows:

2. Monsanto shall achieve compliance by completing the following actions in or before the month and year corresponding to each action:

	<u>Action</u>	<u>Month/Year</u>
a)	Binding agreement made for design of process	5/89
b)	Application for construction permit	6/89

- c) Construction permit approved 9/89
- d) Binding agreement made for purchase of equipment 9/89
- e) Field construction initiated 9/89
- f) Equipment delivered to site 11/89
- g) Construction and installation complete, equipment started up and tested to demonstrate compliance, and equipment fully operational 3/90

Within 45 days after the date of this Order, Monsanto shall execute and send to the Agency a Certificate of Acceptance by which it agrees to be bound by the terms and conditions of the variance as set forth in the Board's Order of April 27, 1989 and as amended by this Order. The executed Certificate shall be sent to:

Illinois Environmental Protection Agency  
 Attention: James O'Donnell  
 Enforcement Programs  
 2200 Churchill Road  
 Springfield, IL 62794-9276

The 45-day period shall be held in abeyance for any period during which this matter is appealed. Failure to execute and forward the Certificate within 45 days renders this Variance void and of no force and effect. The form of the certification shall be as follows:

CERTIFICATION

I, (We) \_\_\_\_\_, having read the Orders of the Illinois Pollution Control Board in PCB 88-206(B), dated April 27, 1989 and June 22, 1989, understand and accept the Orders, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

\_\_\_\_\_  
 Petitioner

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

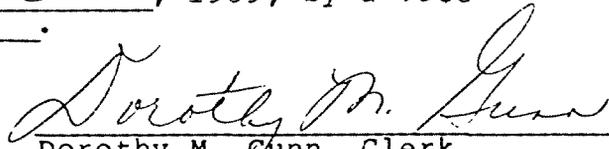
\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1987 ch. 111 1/2 par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

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 22<sup>nd</sup> day of June, 1989, by a vote of 7-0.

  
\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board