

ILLINOIS POLLUTION CONTROL BOARD
February 3, 2000

LIBBEY-OWENS-FORD COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 00-129
)	(Provisional Variance - Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On January 26, 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, commencing January 27, 2000, which shall continue for 45 days, or until the Agency issues a modified National Pollutant Discharge Elimination System (NPDES) permit to Libbey-Owens-Ford Company (petitioner) for its Ottawa facility. 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. 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 January 27, 2000, 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 Chuck Corley 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 00-129 dated February 3, 2000.

 Petitioner

 Authorized Agent

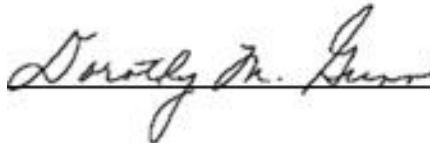
 Title

 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 3rd day of February 2000 by a vote of 5-0.



Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board