

ILLINOIS POLLUTION CONTROL BOARD

August 10, 2000

CITY OF CARLYLE,)
)
 Petitioner,)
)
 v.) PCB 01-26
) (Provisional Variance - Water)
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)
)

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

On August 8, 2000, 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 the City of Carlyle for its wastewater treatment plant. The provisional variance would allow this Clinton County petitioner to construct a new rock filter. Petitioner was previously granted a provisional variance in City of Carlyle v. IEPA (June 8, 2000), PCB 00-216. 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 for its Outfall 001 from the five-day carbonaceous biochemical oxygen demand (CBOD₅) and total suspended solids (TSS) limits set forth in 35 Ill. Adm. Code 304.120(a) and 304.141(a). 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 (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 when petitioner notifies the Agency that construction of the new rock filter has begun and shall continue for 45 days or until construction of the new rock filter is completed, whichever occurs first.
2. During the variance period, petitioner's effluent shall meet the monthly average concentration limit of 45 milligrams/liter (mg/l) for TSS and 50 mg/l for CBOD₅.
3. Petitioner shall notify Barb Conner of the Agency by telephone at 217/728-9720 when construction starts and again when construction is completed. Written confirmation of each notice shall be sent within five days to the following address:

Illinois Environmental Protection Agency
Bureau of Water - Water Pollution Control
Compliance Assurance Section
Wastewater Compliance Monitoring Unit
Attention: Barb Conner
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 Barb Conner 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 01-26 dated August 10, 2000.

Petitioner

Authorized Agent

Title

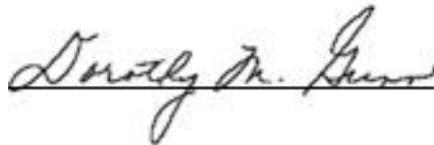
Date

- 5. Petitioner shall continue to monitor and maintain compliance with all other parameters and conditions specified in its National Pollutant Discharge Elimination System Permit No. IL0027901.

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 10th day of August 2000 by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board