

ILLINOIS POLLUTION CONTROL BOARD
September 7, 2000

CITY OF WOOD DALE,)
)
 Petitioner,)
)
 v.) PCB 01-47
) (Provisional Variance - Water)
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)
)

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

On September 5, 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 Wood Dale (City) for its sewage treatment plant, located at 180 North Brookhurst Lane, Wood Dale, DuPage County, Illinois. The requested variance is from the excess flow limitations in National Pollutant Discharge Elimination System (NPDES) Permit IL0034274, while necessary repair work is completed on its wastewater treatment plant. The provisional variance would allow this petitioner to divert excess flow over 1.165 MGD into its excess flow facilities.

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 had previously granted petitioner a 45 day provisional variance in City of Wood Dale v. IEPA (July 27, 2000), PCB 01-13. Due to unanticipated delays, the City was unable to complete necessary work during the first provisional variance period.

The Board grants the petitioner a provisional variance from 35 Ill. Adm. Code 304.141(a) and from the excess flow limitations of NPDES Permit IL0034274. However, during this provisional variance period, beginning September 14, 2000, and lasting no longer than a period of 45 days, Petitioner shall still be limited to excess flow effluent limits provided in the NPDES permit.

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 September 14, 2000, and continue for 45 days or until the package plant is returned to service, whichever occurs first.
2. During the variance period, petitioner shall be allowed to divert excess flow over 1.165 MGD into its excess flow facilities. During this extension period, petitioner shall still be limited to excess flow effluent limits provided in the NPDES permit.
3. Petitioner shall notify Maureen Brehmer of the Agency's Maywood Regional office by telephone at 708/338-7900 when the package plant is removed from service and again when the package plant is returned to service. 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
Attention: Mark T. Books
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 Mark T. Books 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 01-47 dated September 7, 2000.

Petitioner

Authorized Agent

Title

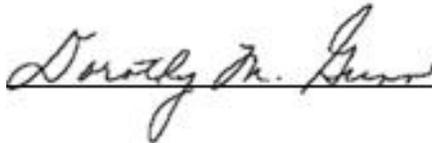
Date

- 5. Petitioner shall continue to monitor and maintain compliance with all other parameters and conditions specified in its Illinois Environmental Protection Agency Permit IL0027685.

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 7th day of September 2000 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board