

ILLINOIS POLLUTION CONTROL BOARD  
July 13, 1988

CITY OF PEKIN, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 88-109  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

OPINION AND ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon the July 12, 1988, Agency Recommendation received from the Illinois Environmental Protection Agency (Agency).

On July 7, 1988 the Agency received a request for provisional variance. Specifically, Petitioner requests a relaxation for the effluent limits set forth at 35 Ill. Adm. Code 304.106(b) and 304.121 while construction improvements are conducted at Petitioner's wastewater treatment facility. As a result of the anticipated construction, the wastewater treatment facility secondary units will be bypassed during a 48 hour period. Primary treatment will still be provided. Petitioner has stated that the work cannot be completed without bypassing the treatment units.

Upon reviewing the Petition, the Agency has determined that denial of the requested relief would impose an arbitrary and unreasonable hardship on the City of Pekin.

Upon review of the Agency's recommendation, the Board does hereby grant the requested provisional variance subject to the following conditions:

1. Variance shall commence when the bypassing of one of the secondary units is begun and shall continue for 45 days or until the work is completed, whichever occurs first.
2. During the period of this variance the effluent from the Petitioners wastewater plant shall be limited to those limits as described as follows:

	During partial secondary unit bypass	During total secondary unit bypass
CBOD <sub>5</sub>	50	140
TSS	30	140
Fecal Coliform per 100 m/l	10,000	1,000,000
Duration	45 days	2 days

3. Petitioner shall notify Barb Conner of the Agency's Compliance Assurance Section via telephone at 217/782-9720 when bypassing of the units is started, and when the work on the facilities is completed. Written confirmation of each notification shall be submitted to the following address:

Illinois Environmental Protection Agency  
Division of Water Pollution Control  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
ATTN; Barb Conner

4. Petitioner shall continue to sample and analyze its effluent and submit discharge monitoring reports (DMR's) as required by NPDES Permit No. IL0034495.
5. Petitioner shall limit the time(s) that treatment units are bypassed to those necessary to complete the work on the facilities in a safe, timely, and efficient manner.
6. Petitioner shall operate and maintain its STP No. 1 so as to produce the best effluent practicable.
7. Within 10 days of the date of the Board's Order, Petitioner shall execute a Certificate of Acceptance and Agreement which shall be sent to Mark T. Books at the following address.

Illinois Environmental Protection Agency  
Division of Water Pollution Control  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276

This variance shall be void if Petitioner fails to execute and forward the certificate within the ten day period. The ten day period shall be held in abeyance during any period that this matter is being appealed. The form of said Certification shall be as follows:

CERTIFICATION

I, (We), The City of Pekin, having read the Order of the Illinois Pollution Control Board, in PCB 88-109, dated July 13, 1988, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
By: Authorized Agent

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1985 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 13<sup>th</sup> day of July, 1988 by a vote of 7-0.

*Dorothy M. Gunn*  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board