

ILLINOIS POLLUTION CONTROL BOARD
January 21, 1999

CITY OF HILLSBORO,)	
)	
Petitioner,)	
)	
v.)	PCB 99-105
)	(Provisional Variance - Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On January 20, 1999, the Illinois Environmental Protection Agency (Agency) filed a request for a provisional variance and notification of recommendation. This request seeks extension of the provisional variance granted in PCB 99-49 on October 1, 1998. The Agency recommends that the Board grant a 45-day provisional variance. The provisional variance would allow this Montgomery County petitioner to replace the existing tertiary filters at its wastewater treatment plant. 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 extension from PCB 99-49 and the five-day biochemical oxygen demand (BOD₅) and total suspended solids (TSS) limits, found in 35 Ill. Adm. Code 304.141(a) and 35 Ill. Adm. Code 304.120 and imposed by National Pollutant Discharge Elimination System Permit (NPDES) No. IL0029203. 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 (Act) (415 ILCS 5/35(b) (1996)), the Board must issue the provisional variance within two days of the filing.

The provisional variance shall be subject to the following conditions:

1. The variance shall begin on January 7, 1999, and shall continue for 45 days thereafter until the installation of the new filters and training of the wastewater treatment staff is completed, whichever occurs first.
2. During the variance period, petitioner shall meet the monthly average effluent concentration limit of 15 milligrams/Liter (mg/L) and daily maximum concentration limit of 30 mg/l for CBOD₅ and daily maximum effluent

concentration limit of 45 mg/L for TSS. Petitioner shall also continue to meet the additional effluent limits contained in its NPDES Permit No. IL0029203.

- 3. Petitioner shall notify John Wells of the Agency's Springfield regional office by telephone at 217/786-6892 when replacement of the filter system is completed. Written confirmation of each notice shall be sent within five days to the following address:

Illinois Environmental Protection Agency
 Bureau of Water - Compliance Assurance Section
 Attention: Susan Davison
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, Illinois 62794-9276

- 4. Petitioner shall operate its wastewater treatment facility during the term of this variance in a manner that assures best effluent practicable.
- 5. Petitioner shall sign a certificate of acceptance of this provisional variance and forward that certificate to the Agency 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 99-105 dated January 21, 1999.

 Petitioner

 Authorized Agent

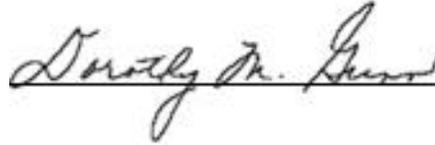
 Title

 Date

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) 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 21st day of January 1999 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board