

ILLINOIS POLLUTION CONTROL BOARD

January 4, 2001

VILLAGE OF MILLEDGEVILLE,)	
)	
Petitioner,)	
)	
v.)	PCB 01-99
)	(Provisional Variance – Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On January 2, 2001, 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 Village of Milledgeville (Village) for its wastewater treatment facility, located in the Village of Milledgeville, Carroll County, Illinois. The requested variance is from the total suspended solids (TSS) and carbonaceous biochemical oxygen demand (CBOD) effluent concentration limits in the Board's rules and contained in National Pollutant Discharge Elimination System (NPDES) Permit IL0023345, during installation of two new trickling filter distribution units and cleaning and possible partial replacement of the rock media.

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 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 Board grants the petitioner a provisional variance from 35 Ill. Adm. Code 304.120(a), 304.141(a), and from the excess flow limitations of NPDES Permit IL0023345. However, during this provisional variance period, petitioner must operate the wastewater treatment plant so as to produce the best effluent possible and must still meet the monthly average effluent concentration limits of 80 mg/L for TSS and 75 mg/L for CBOD.

The provisional variance is granted, subject to the following conditions:

1. The variance begins January 3, 2001, and continues for 45 days or until completion of the work, whichever occurs first.
2. During the variance period, petitioner must meet the monthly average effluent concentration limits of 80 mg/l for TSS and 75 mg/l for CBOD.
3. Petitioner must notify Jack Adams of the Agency's Rockford regional office by telephone at 815-987-7755 when the installation begins and again when the installation is completed. Written confirmation of each notice must be sent within five days to the following address:

Illinois Environmental Protection Agency
Bureau of Water - Water Pollution Control
Attention: Roger Callaway
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

3. Petitioner must sample for TSS and CBOD three times per week during the variance period.
4. Petitioner must continue to monitor and maintain compliance with all other parameters and conditions specified in NPDES Permit IL0023345.
5. Petitioner must complete the permitted expansion as expeditiously as possible. Petitioner must operate the facility in such a manner so as to produce the best effluent practicable and must provide full treatment to the maximum amount of flow as possible.
6. Petitioner must sign a certificate of acceptance of this provisional variance and forward that certificate to Roger Callaway 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 01-99 dated January 4, 2001.

Petitioner

Authorized Agent

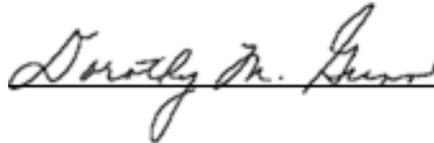
Title

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 101.520, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 4th day of January 2001 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board