

ILLINOIS POLLUTION CONTROL BOARD
August 20, 1998

CITY OF ROCK FALLS,)	
)	
Petitioner,)	
)	
v.)	PCB 99-34
)	(Provisional Variance - Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On August 19, 1998, the Illinois Environmental Protection Agency (Agency) filed a request for provisional variance and notification of recommendation. The Agency recommends that the Board grant a 45-day provisional variance. The provisional variance would allow the petitioner's Whiteside County facility to repair 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 from 35 Ill. Adm. Code 304.141(a) as it applies to five-day biochemical oxygen demand (BOD₅), and total suspended solids (SS), and from 35 Ill. Adm. Code 304.120(c) as it applies to the limits for BOD₅, carbonaceous biochemical oxygen demand (CBOD₅), and SS imposed by National Pollutant Discharge Elimination System Permit (NPDES) No. IL0026514. 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) (1996)), the Board must issue the provisional variance within two days of the filing.

The Board hereby grants the petitioner a provisional variance beginning on a date in 1998, and continuing for 45 days thereafter, subject to the following conditions:

1. The variance shall begin on a date during 1998 when repair work begins on the packed biological reactor (PBR) and shall continue for 45 days thereafter until the repair work on the treatment plant is completed, whichever occurs first.
2. During the variance period, petitioner shall operate its wastewater treatment facility so as to produce the best effluent practicable. Additionally, petitioner shall meet the following effluent limits:

Monthly Average $\frac{\text{CBOD}_5}{75 \text{ mg/L}^2}$ $\frac{\text{SS}}{80 \text{ mg/L}}$

Petitioner shall sample for CBOD₅ and SS five days per week during the variance period. Petitioner shall also continue to meet the additional effluent limits contained in its NPDES Permit No. IL0026514.

- Petitioner shall notify Jack Adam of the Agency's Rockford regional office by telephone at 815/987-7755 when work on the PBR begin and again when repair work on the wastewater treatment plant is completed and 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 - Compliance Assurance Section
Attention: Mark T. Books
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

- 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 99-34 dated August 20, 1998.

Petitioner

Authorized Agent

Title

Date

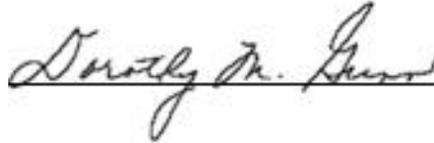
IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

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 20th day of August 1998 by a vote of 6-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board