

ILLINOIS POLLUTION CONTROL
BOARD

November 16, 1995

DEKALB SANITARY DISTRICT,)
)
 Petitioner,)
)
 v.) PCB 96-104
) (Provisional Variance-Water)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

Pursuant to Section 35(b) of the Environmental Protection Act (Act) (415 ILCS 5/35(b)), the DeKalb Sanitary District (District) has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow the District to continue operating during a period of repairs to its wastewater treatment facility.

Such request for a provisional variance and the Notification of Recommendation were filed with the Board by the Agency on Tuesday, November 14, 1995. Pursuant to Section 35(b) of the Act, the Board must issue the variance within two (2) days of this filing.

Pursuant to Section 35(b) of the Environmental Protection Act (Act) (415 ILCS 5/35(b)), the Agency, by and through its Director, seeks a provisional variance for the District in order to allow it to continue operating during a period of repairs to its north trickling filter element.

Specifically, the Agency recommends that we grant the District a (forty-five) 45 day provisional variance for its facility located in DeKalb County, from the requirements pertaining to carbonaceous biochemical oxygen demand (CBOD₅), total suspended solids (TSS), and ammonia nitrogen (NH₃N) as set forth in 35 Ill. Adm. Code 304.120(c) and 304.141(a), commencing on November 16, 1995 and continuing for a period not longer than forty-five (45)-days.

The Agency recommends that the Board grant the requested provisional variance with specified conditions. The Agency agrees that the repairs are necessary. The Agency anticipates that the requested provisional variance would have minimal environmental impact on the receiving stream. The Agency is unaware of any public water supplies that the requested provisional variance would adversely impact. The Agency maintains that a grant of a provisional variance would violate no federal laws. The Agency finds that a denial of the requested provisional variance would create an arbitrary or unreasonable

hardship on the petitioner.

Provisional variances are by their very nature temporary. The responsibilities of the Agency and the Board in these short-term provisional variances are different from the responsibilities in standard variances. (See 415 ILCS 5/35 (b) & 36(c)). In provisional variances it is the responsibility of the Agency to make the technical determinations and finding of arbitrary or unreasonable hardship. The Board's responsibility is to adopt a formal order, to assure the formal maintenance of the record, to assure the enforceability of the variance, and to provide notification of the action by a press release.

Having received the Agency recommendation finding that a denial of the requested relief would impose an arbitrary or unreasonable hardship, the Board hereby grants the District a provisional variance from 35 Ill. Adm. Code 304.120(c) and 304.141(a), on the following conditions:

1. The variance shall commence on November 16, 1995 and continue for a period not longer than forty-five (45)-days or until the trickling filter is returned to service, which ever occurs first;

2. The District shall notify Gene Foster of the Agency's Rockford Regional office by telephone, at 815/987-7755, when the trickling filter is returned to service, and the petitioner shall confirm this notice in writing within five (5) days, addressed as follows:

Illinois Environmental Protection Agency
Bureau of Water
Wastewater Compliance Assurance Section
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

Attention: Mark T. Books

3. During this provisional variance, the District shall operate its wastewater treatment facility so as to produce the best effluent practicable. Additionally, the District shall perform the necessary repairs as expeditiously as possible so as to minimize the period of time that the trickling filter is out of service;

4. During this provisional variance, the District shall meet monthly concentration average effluent limits of 24 milligrams (mg/l) per liter for TSS, 15 mg/l CBOD₅, 5 mg/l for NH₃N and 10 mg/l daily maximum NH₃N. Monitoring for those parameters shall be conducted twice per week.

The District shall execute a copy of a Certificate of Acceptance of this provisional variance and forward that copy to the Agency addressed as is the written notice required in the above condition; the petitioner shall forward that copy within ten (10) days of the date of this order of the Board, and the Certificate of Acceptance shall 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 96-104, November 16, 1995.

Petitioner

Authorized Agent

Title

Date

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted on the _____ day of _____, 1999, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board