

ILLINOIS POLLUTION CONTROL BOARD
May 16, 1996

NORTH SHORE SANITARY DISTRICT)	
(Waukegan Sewage Treatment Plant),)	
)	
Petitioner,)	PCB 96-234
)	(Provisional Variance - Water)
v.)	
)	
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)), North Shore Sanitary District Waukegan Sewage Treatment Plant (North Shore) has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Illinois Pollution Control Board (Board) grant a provisional variance to allow North Shore to continue operating its Waukegan sewage treatment plant during a period of wastewater treatment plant repairs. This provisional variance is being requested because North Shore needs to make repairs to its pumping station thereby requiring that the plant's effluent be diverted to Lake Michigan instead of being pumped into the Des Plaines River. This request for a provisional variance and the Notification of Recommendation was filed with the Board by the Agency on Wednesday, May 15, 1996. Pursuant to Section 35(b) of the Act, the Board must issue the variance within two (2) days of this filing.

Specifically, the Agency recommends that we grant North Shore a forty-five (45)-day provisional variance for its facility located in Lake County from the effluent discharge standards as it relates to phosphorus as set forth in 35 Ill. Adm. Code 304.141(b) and from the standards as it relates to allowing a change in the normal discharge point as set forth in 35 Ill. Adm. Code 309.102. This forty-five (45)-day provisional variance shall commence when the petitioner begins repairs to the wastewater treatment plant, by diverting effluent away from Outfall 001 pumping station, and continuing until the petitioner returns the pumping station to service, but not for longer than 45 days.

Upon receipt of the request, the Agency issued its recommendation, notifying the Board that failure to grant the requested forty-five (45)-day provisional variance would impose 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 notifying the Board that a denial of the requested relief would impose an arbitrary or unreasonable hardship, the Board hereby grants the petitioner a provisional variance for its Waukegan sewage treatment plant from 35 Ill. Adm. Code 304.141(b) and 309.102, subject to the following conditions:

1. The variance shall commence when effluent is diverted away from the Outfall 001 pumping station and shall continue for a period of forty-five (45)-days or until repair work on the pumping station is completed, whichever occurs first;
2. The effluent limits and monitoring requirements shall be in accordance with the limitations of the NPDES Permit No. IL0030244 that apply to Outfall 001. In addition, to these limits, North Shore shall meet phosphorus limits of 1.0 mg/l on a monthly average and 2.0 mg/l on a daily maximum basis. North Shore shall monitor for phosphorus five (5) times per week using composite samples.
3. For the period of this provisional variance, North Shore shall submit progress reports and sampling data on a weekly basis to the Agency. In addition, North Shore shall immediately inform the Agency of any adverse circumstances that may arise which could cause health or environmental concerns.
4. For the period of this provisional variance, North Shore shall operate its Waukegan wastewater treatment plant in a manner to produce the best effluent that is possible.
5. North Shore shall notify Chris Kallis at the Agency's Maywood Regional Office via telephone at (708) 338-7900 when the repairs to the pumping station begin and when the pumping station is returned to service. Written confirmation of each notification shall be sent within five (5) days to the following address;

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

Attention: Mark T. Books

North Shore 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; North Shore 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 96-234, May 16, 1996.

Petitioner

Authorized Agent

Title

Date

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (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 ____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board