

ILLINOIS POLLUTION CONTROL BOARD
June 7, 2001

VILLAGE OF ASHLAND,)
)
Petitioner,)
)
v.) PCB 01-166
) (Provisional Variance – Water)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

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

On June 5, 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 Ashland (Ashland) for its wastewater treatment facility, located in the Village of Ashland, Cass County. The request seeks variance from all effluent concentration limits during the replacement of four air diffusers and draw off valves at the Village's activated sludge 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 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) (2000)), 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), 304.121(a), 304.122(a), 304.125 and 304.141(a) for Outfall 001.

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

1. The variance begins on June 1, 2001, and continues for 45 days from that date or until completion of the work, whichever occurs first.
2. Petitioner must notify Jeb McGhee of the Agency's Springfield office by telephone at 217-782-9864 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 – Compliance Assurance Section
Attention: Jeb McGhee
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

- 3. Petitioner must sign a certificate of acceptance of this provisional variance and forward that certificate to Barb Conner at the address indicated above within ten days of the date of this order, that is on or before June 17, 2001. The certification must 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 01-166 dated June 7, 2001.

Petitioner

Authorized Agent

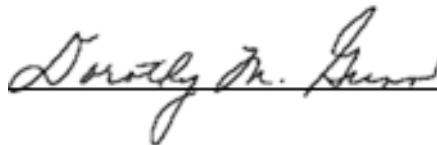
Title

Date

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (2000)) 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 7th day of June 2001 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board