

ILLINOIS POLLUTION CONTROL BOARD
January 18, 1996

GENERAL ELECTRIC)	
COMPANY, INC.,)	
Petitioner,)	
)	
v.)	PCB 96-159
)	(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)), General Electric Company, Inc. (General Electric), has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow General Electric to continue operating during a period of wastewater treatment plant malfunction. Such request for a provisional variance and the Notification of Recommendation was filed with the Board by the Agency on January 17, 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 General Electric a (forty-five) 45-day provisional variance for its LaSalle County facility from the total residual chlorine (TRC) effluent requirements, as set forth in 35 Ill. Adm. Code 304.141(a) and 302.208(d), for the period from December 28, 1995 and continuing until completion and commencement of operation of the dechlorination facility, not longer than 45 days.

The Agency recommends that the Board grant the requested provisional variance with specified conditions. 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 petitioner a provisional variance from the TRC effluent requirements, as set forth in 35 Ill. Adm. Code 304.141(a) and 302.208(d), on the following conditions:

1. The term of this provisional variance shall commence on December 28, 1995 and expire upon General Electric's completion and commencement of operation of the dechlorination facility, or after forty-five (45) days have elapsed, whichever comes first;
2. General Electric shall meet an interim TRC limit of 2.0 mg/l daily maximum concentration limit measured at the point specified in the NPDES permit;
3. The petitioner shall notify Charles Corley of the Agency's Rockford office by telephone at 815/987-7755, when construction of the dechlorination facility is completed, and the petitioner shall confirm this notice in writing, addressed as follows:

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

Attention: Susan Davison

4. The petitioner shall operate its facility during the term of this provisional variance in a manner that assures the best effluent possible; and
5. The petitioner 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 96-159, January 18, 1996.

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
18th day of January, 1996, by a vote of
7-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board