

ILLINOIS POLLUTION CONTROL BOARD
August 24, 1995

CITY OF GREENFIELD,)
)
 Petitioner,)
)
 v.) PCB 96-44
) (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 City of Greenfield has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow the City of Greenfield 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 Wednesday, August 23, 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, Mary A. Gade, seeks a provisional variance for the City of Greenfield in order to allow it to continue operating during a period of repairs to cell #1 of its wastewater treatment facility lagoon.

Specifically, the Agency recommends that we grant the City of Greenfield a (forty-five) 45 day provisional variance for its facility located in Greene County, from the requirements pertaining to carbonaceous biochemical oxygen demand (CBOD₅) and total suspended solids (TSS) as set forth in 35 Ill. Adm. Code 304.120(a) and 304.141(a), for the period beginning when the City of Greenfield begins partial dewatering of cell #1 and continue 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 City of Greenfield a provisional variance from 35 Ill. Adm. Code 304.120(a) and 304.141(a), on the following conditions:

1. The variance shall commence on the date when the City of Greenfield begins partial dewatering of cell #1 and continue for a period not longer than forty-five (45)-days or until cell #1 of their lagoon is returned to service, which ever occurs first;
2. The petitioner shall notify John Wells of the Agency's Springfield Regional office by telephone, at 217/786-6892, when it begins partial dewatering of cell #1 and when it returns the cell 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 City of Greenfield shall meet monthly concentration average effluent limits of 55 milligrams per liter for both CBOD₅ and TSS. Monitoring for those parameters shall be conducted twice per week;

4. During this provisional variance, the City of Greenfield shall operate its wastewater treatment facility so as to produce the best effluent practicable. Additionally, the City of Greenfield shall perform the necessary repairs as expeditiously as possible so as to

minimize the period of time that cell #1 of the lagoon is out of service.

The City of Greenfield 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 96-44, August 24, 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 24th day of August, 1995, by a vote of 7-0.

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