

ILLINOIS POLLUTION CONTROL BOARD
April 6, 1995

ARGONNE NATIONAL)	
LABORATORY - EAST,)	
)	
Petitioner,)	
)	
v.)	PCB 95-123
)	(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)), Argonne National Laboratory - East (Argonne) has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow the Argonne to continue operating its wastewater treatment plant. Argonne requires a provisional variance to operate while its request for a permit modification is being reviewed by the Agency. Such request for a provisional variance and the Notification of Recommendation were filed with the Board by the Agency on Wednesday, April 5, 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 Illinois Environmental Protection Agency (Agency), by and through its Director, Mary A. Gade, seeks a provisional variance for Argonne in order to allow it to continue operating its wastewater treatment plant while its request for permit modification is under Agency review.

Specifically, the Agency recommends that we grant Argonne a (forty-five) 45 day provisional variance for its Dupage County facility from the requirements pertaining to total dissolved solids, copper, and ammonia-nitrogen as set forth in 35 Ill. Adm. Code 302.208(e), 302.208(d) and 302.407 for the period beginning March 28, 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 Argonne a provisional variance from the total dissolved solids, copper, and ammonia-nitrogen requirements as set forth in 35 Ill. Adm. Code 302.208(e), 302.208(d) and 302.407, on the following conditions:

1. The variance shall commence upon March 28, 1995 and continuing for a period not longer than forty-five (45)-days;
2. During this provisional variance, Argonne shall operate its wastewater treatment plants so as to produce the best effluent practicable;
3. During this provisional variance, Argonne shall meet a daily maximum effluent concentration limit of 1,500 mg/l for total dissolved solids, a monthly average concentration limit of 0.14 mg/l and a daily maximum effluent concentration limit of 0.31 mg/l for copper, and a monthly average effluent concentration limit of 5 mg/l and a daily maximum effluent concentration limit of 10 mg/l for ammonia-nitrogen;
4. Argonne shall also continue to monitor and maintain compliance with all other parameters addressed in its NPDES Permit No. IL0034529 during this provisional variance period.

Argonne 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 95-123, April 6, 1995.

Petitioner

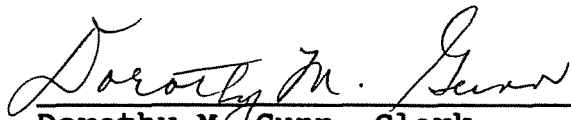
Authorized Agent

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
6th day of April, 1995, by a vote of
7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board