

ILLINOIS POLLUTION CONTROL BOARD
May 4, 1995

CITY OF WHITE HALL,)	
)	
Petitioner,)	
)	
v.)	PCB 95-138
)	(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 White Hall has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow the City of White Hall 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 Tuesday, May 2, 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 White Hall in order to allow it to continue operating during a period of repairs to its package activated sludge plant.

Specifically, the Agency recommends that we grant the City of White Hall 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(c) and 304.141(a), for the period beginning when the package activated sludge plant is removed from service 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 White Hall a provisional variance from 35 Ill. Adm. Code 304.120(c) and 304.141(a), on the following conditions:

1. The variance shall commence on the date during May or June when the package activated sludge plant is removed from service and continue for a period not longer than forty-five (45)-days;
2. The petitioner shall notify John Wells of the Agency's Springfield Regional office by telephone, at 217/786-6892, when it removes the package activated sludge plant from service and when it returns the plant 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 White Hall shall meet monthly average effluent limits of 25 milligrams per liter (mg/l) for CBOD₅ and 40 mg/l for TSS. The City of White Hall shall also meet daily maximum effluent limits of 50 mg/l for CBOD₅ and 80 mg/l for TSS;
4. During this provisional variance, the City of White Hall shall perform the necessary painting and repairs to the package activated sludge treatment plant as expeditiously as possible so as to minimize the period of time that the plant is out of service.

The City of White Hall 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 95-138, May 4, 1995.

Petitioner

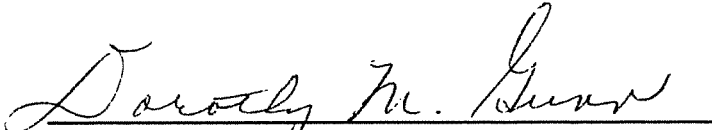
Authorized Agent

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 4th day of May, 1995, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board