

ILLINOIS POLLUTION CONTROL BOARD  
February 2, 1995

SPRINGFIELD METRO	)	
SANITARY DISTRICT,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 95-45
	)	(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)), Springfield Metro Sanitary District (District) has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow the District to continue operating during a period of wastewater treatment plant modification. The District requires a provisional variance to deal with times when flooding in the receiving stream prevents the discharge of effluent by gravity to the outfall sewer during its construction project. Such request for a provisional variance and the Notification of Recommendation were filed with the Board by the Agency on Wednesday, February 1, 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 the District in order to allow it to continue operating during a period of wastewater treatment plant modification.

Specifically, the Agency recommends that we grant the District a (forty-five) 45 day provisional variance for its Sanagamon County facility from the requirements as set forth in its NPDES Permit No. IL0021989. This would allow for a change in the plant's discharge point for Outfall 007 from the Sanagamon River to Spring Creek during a construction project at the District's Spring Creek facility, beginning on January 14, 1995 and until construction work is complete, but not for longer than 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 District a provisional variance from NPDES Permit No. IL0021989, on the following conditions:

1. The effluent limits and monitoring requirements shall be in accordance with the NPDES permit conditions that apply to Outfall 007;
2. The variance shall apply from when flooding conditions began on January 14, 1995 and continue for forty-five (45) days or until the work is complete, whichever ever occurs first;
3. The District shall notify Tim Zook of the Agency's Springfield Regional office by telephone, at (217)786-6892, when the construction is complete and the normal outfalls are returned to service, and the District shall confirm this notice in writing within five (5) days, addressed as follows:

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

Attention: Susan Davison

4. During the variance period, the District shall immediately inform the Agency of any adverse circumstances that may arise which could public health or environmental concerns.

The District 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 95-45, February 2, 1995.

\_\_\_\_\_  
Petitioner

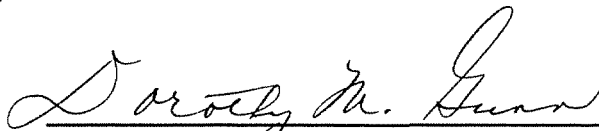
\_\_\_\_\_  
Authorized Agent

\_\_\_\_\_  
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 2nd day of February, 1995, by a vote of 5-0.

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