

ILLINOIS POLLUTION CONTROL BOARD
May 18, 1995

GLENBARD WASTEWATER AUTHORITY,)
)
Petitioner,)
)
v.) PCB 95-148
) (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)), Glenbard Wastewater Authority has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow Glenbard Wastewater Authority 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 May 17, 1995. 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 Glenbard Wastewater Authority a (forty-five) 45-day provisional variance for its DuPage County facility from the seasonal fecal coliform effluent requirements, as set forth in 35 Ill. Adm. Code 304.121(a) and 304.141(a), for the period from May 1, 1995 and continuing until the petitioner maintains compliance with the fecal coliform limits, but not for longer than 45 days.

The Agency explains that the Glenbard Wastewater Authority recently upgraded its treatment plant, which discharges into the East Branch of the DuPage River. As part of the upgrade, the Authority installed a UV disinfection system, but is having trouble maintaining proper flow for adequate performance. Thus, the Authority will be unable to comply with its seasonal fecal coliform limit until the situation is corrected. The Agency states that the Authority cannot apply chlorine disinfection after the UV disinfection, but that it will do so to the best of its ability before the UV disinfection until the new system works properly. The Authority will also have to periodically have to turn the chlorination off to check performance of the UV system. This could lead to noncompliance with the effluent standard for fecal coliform.

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 seasonal fecal coliform effluent limits of 35 Ill. Adm. Code 304.121(a) and 304.141(a), on the following conditions:

1. The term of this provisional variance shall commence on May 1, 1995 and expire when the Glenbard Wastewater Authority maintains compliance with the fecal coliform limit, or after forty-five (45) days have elapsed, whichever comes first;
2. The petitioner shall notify Ms. Maureen Brehmer of the Agency by telephone, when adjustments are 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: Dan Ray

3. The petitioner shall operate its plant during the term of this provisional variance in a manner that assures the best effluent possible; and
4. 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 95-148, May 18, 1995.

Petitioner

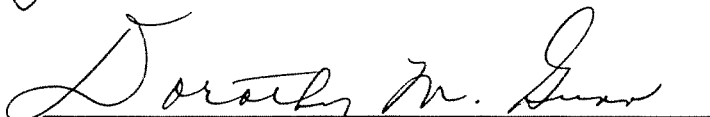
Authorized Agent

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 18th day of May, 1995, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board