

ILLINOIS POLLUTION CONTROL BOARD  
May 18, 1995

PITTSBURGH TUBE COMPANY, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 95-149  
 ) (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)), Pittsburgh Tube Company has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow Pittsburgh Tube Company to continue operating during a period of wastewater treatment plant lagoon deactivation and cleaning to provide space for a planned production facility expansion. Such request for a provisional variance and the Notification of Recommendation was filed with the Board by the Agency on Wednesday, 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 Pittsburgh Tube Company a (forty-five) 45-day provisional variance for its Livingston County facility from the boron (B), zinc (Zn), pH, and total dissolved solids (TDS) effluent requirements, as set forth in 35 Ill. Adm. Code 302.208, 304.125, and 304.141(a), for the period from when the petitioner begins dewatering its wastewater treatment lagoons and continuing until the dewatering is completed, 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 petitioner a provisional variance from 35 Ill. Adm. Code 302.208, as it relates to TDS and boron water quality standards, and the effluent limitations of 304.125 (pH) and 304.141(a), on the following conditions:

1. The term of this provisional variance shall commence in May or June, 1995 when the petitioner, Pittsburgh Tube Company, initiates dewatering its wastewater treatment lagoons, and it shall expire on the date the petitioner has drained those lagoons, or after forty-five (45) days have elapsed, whichever comes first;

2. The petitioner shall notify Steve Baldwin of the Agency's Champaign Regional office by telephone, at 217-333-8361, when it begins dewatering its lagoons and again when the dewatering is completed, and the petitioner 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: Mark T. Books

3. During the term of this provisional variance, the effluent from the petitioner's treatment plant effluent from outfall 001 shall not exceed concentrations of 10.0 mg/l boron (B), 0.96 mg/l zinc (Zn), or 1850 mg/l TDS (each on a weekly average concentration basis), and the pH shall remain in the range of 6.0 to 9.7 at all times;

4. During the term of this provisional variance, the petitioner shall monitor the boron (B), zinc (Zn), and TDS concentrations at the point of complete mixing in the stream once each week; take daily samples for boron (B), zinc (Zn), TDS, and pH at outfall 001 daily while discharging; and monitor for all other limits as indicated by its NPDES permit;

5. During the term of this provisional variance, the petitioner shall drain no more than 84,000 gallons per day from the lagoons, and shall discharge only on days when sufficient upstream flow is present to ensure that complete mixing will occur within the receiving stream mixing zone, as documented in its request for this provisional variance;

6. 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 95-149, May 18, 1995.

\_\_\_\_\_  
Petitioner

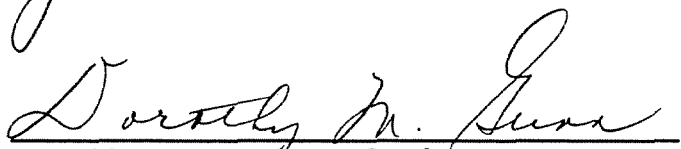
\_\_\_\_\_  
Authorized Agent

\_\_\_\_\_  
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 18<sup>th</sup> day of May, 1995, by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board