

ILLINOIS POLLUTION CONTROL BOARD  
March 9, 1995

THE AMOCO OIL COMPANY AND )  
THE CITY OF WOOD RIVER )  
 )  
Petitioners, )  
 )  
v. ) PCB 94-384  
 ) (Provisional Variance-Water)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

ORDER OF THE BOARD (by M. McFawn):

On March 8, 1995, respondent filed a motion to modify the Board's final order of December 16, 1994. The December 16th order granted a request for a provisional variance based on the Notification of Recommendation filed by the Agency.

The respondent requests that the Board modify the order by revising condition number one (1) to read March, 1995. The request recites that

"the modification requested is for a new effective start date for the provisional variance. The start date currently written into the variance is between January and February 1995. Due to a delay in the shop performance testing of the new aeration equipment by the manufacturer, the co-petitioners are hereby requesting a new effective variance start date of March 1995. The specifications for the project require that the aeration equipment pass a shop performance test before the City of Wood River and the Engineer, Metcalf & Eddy, can approve the installation of the equipment in the aeration tank. The shop performance testing of aeration equipment is ongoing and scheduled to be completed by March 15, 1995. Under this new construction schedule the aeration tank dewatering and wastewater diversion to the Amoco Storage Lagoons could begin on March 16 or 17, 1995 and the installation of the aeration equipment could begin on March 20, 1995....The delay in the construction schedule is a disappointment but necessary to ensure that the manufacturer supplies equipment which meets the project specifications."

The motion to modify is granted. For the convenience of the parties, the modified order is set out in its entirety below:

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 Co-Petitioners in order to allow them to continue operating during a period of wastewater treatment plant modifications.

Specifically, the Agency recommends that we grant Amoco a thirty (30)-day provisional variance for from the biochemical oxygen demand (CBOD<sub>5</sub>) and suspended solids (TSS) effluent requirements, oil and grease, phenol, and fecal coliform limits as set forth in 35 Ill. Adm. Code 305.102(b) and 304.141(a) as they pertain to Outfall No. 2 in Amoco's NPDES permit, commencing upon the date in March 1995 when the dewatering of the aeration tank and diversion of wastewater to the Amoco Storage Lagoon begins, and continuing for no longer than 30 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 co-petitioners a provisional variance from 35 Ill. Adm. Code 305.102(b) and 304.141(a), on the following conditions:

1. The term of this provisional variance shall commence upon the date in March 1995 when the dewatering of the aeration tank and diversion of wastewater to the Amoco Storage Lagoon begins, and continuing for no longer than 30 days.
2. The co-petitioners shall notify Chris Port at the

Agency's Collinsville Regional Office via telephone at 618/346-5120 when the aeration tank is removed from service and when the unit is returned to service. Written confirmation of each notification shall be sent within five (5) days to the following address;

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

Attention: Barbara Conner

3. If a discharge from the Amoco Oil Storage Lagoon should occur, the City of Wood River shall notify Karen Tsikteris of Illinois American Water Company-Granite City via telephone at 618/277-7450 or 618/874-8145, immediately.

4. During the term of this provisional variance, the City of Wood River shall perform the necessary repair work on the aeration tank as expeditiously as possible to avoid discharging from the Amoco Storage Lagoon.

5. Should a discharge from the Amoco Storage Lagoon occur during the provisional variance period, the following parameters shall be sampled daily at the Amoco Oil Outfall No. 002 and reported to the Agency.

<u>Parameters</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>
CBOD <sub>5</sub>	N/A	100 mg/1
TSS	N/A	50 mg/1
Oil and Grease	N/A	25 mg/1
Phenols	4 mg/1	2.5 mg/1

In addition to those parameters, there shall be no applicable limit for fecal coliform and the special once a year sampling requirement shall be waived.

The Co-Petitioners shall execute a copy of a Certificate of Acceptance of this provisional variance and forward that copy to the Agency at the above address. The Co-Petitioners 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 94-384, December 16, 1994 as  
modified, March 9, 1995.

\_\_\_\_\_  
Petitioner

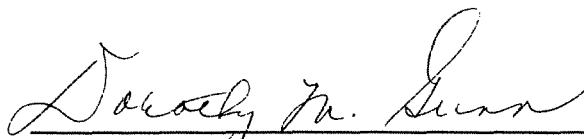
\_\_\_\_\_  
Authorized Agent

\_\_\_\_\_  
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  
9<sup>th</sup> day of March, 1995, by a vote of  
40.

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