

ILLINOIS POLLUTION CONTROL BOARD  
March 17, 1994

DANVILLE SANITARY DISTRICT,        )  
  )  
                  Petitioner,         )  
  )  
                  v.                     )  
  )                     PCB 94-89  
  )                     (Provisional Variance)  
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)), Danville Sanitary District has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow the Danville Sanitary District to continue operating during a period of wastewater treatment plant repairs. Such request for a provisional variance and the Notification of Recommendation was filed with the Board by the Agency on Wednesday, March 16, 1994. 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 Danville Sanitary District in order to allow it to continue operating during a period of wastewater treatment plant repairs.

Specifically, the Agency recommends that we grant Danville Sanitary District a forty-five (45)-day provisional variance for its Vermilion County facility from the biochemical oxygen demand (CBOD<sub>5</sub>) and suspended solids (TSS) effluent requirements, as set forth in 35 Ill. Adm. Code 304.120(c) and 304.141(a), for the period from March 9, 1994 and continuing until the petitioner returns that unit to service, 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 304.120(c) and 304.141(a), on the following conditions:

1. The term of this provisional variance shall commence on March 9, 1994 when the petitioner, Danville Sanitary District, initiates repairs to its wastewater treatment plant, by bypassing its tertiary treatment unit and the sludge disposal lines, and it shall expire on the date the petitioner completes the required maintenance work or after forty-five (45) days have elapsed, whichever comes first;

2. During the term of this provisional variance, the effluent from the petitioner's treatment plant shall not exceed concentrations of 30 mg/l CBOD<sub>5</sub> and 35 mg/l SS each on a monthly average;

3. The petitioner shall notify Eileen Cronin of the Agency's Champaign Regional office by telephone, at (217)333-8361 when it returns the unit to service, 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

4. The petitioner shall return its tertiary treatment unit and the sludge disposal lines to service as soon as possible and operate its plant during the term of this provisional variance in a manner that assures the best effluent practicable;

5. 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 94-89, March 17, 1994.

\_\_\_\_\_  
Petitioner

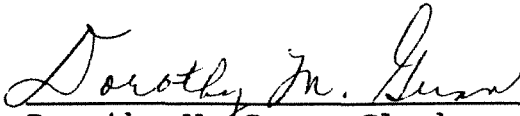
\_\_\_\_\_  
Authorized Agent

\_\_\_\_\_  
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 17<sup>th</sup> day of March, 1994, by a vote of 6-0.

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