

ILLINOIS POLLUTION CONTROL BOARD
August 26, 1993

CITY OF MONMOUTH,)
)
Petitioner,)
)
v.) PCB 93-155
) (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)), the Illinois Environmental Protection Agency (Agency), by and through its Director, Mary A. Gade, seeks a provisional variance for City of Monmouth in order to allow it to continue operating during a period of wastewater treatment plant tertiary filters repairs at the North Monmouth plant. The Agency Recommendation was filed August 25, 1993.

Specifically, the Agency recommends that we grant City of Monmouth a 45-day provisional variance for its Warren County facility from the suspended solids (TSS) effluent requirements, as set forth in 35 Ill. Adm. Code 304.120(c) and 35 Ill. Adm. Code 304.141(a), for the period from when the Petitioner begins repairs at its wastewater treatment plant, by removing its sand filters from service, 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) & (c) (1992) (Ill. Rev. Stat. 1991, ch. 111 $\frac{1}{2}$, pars. 1035(b) & (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 Petitioner a provisional variance from 35 Ill. Adm. Code 304.120(c) and 35 Ill. Adm. Code 304.141(a), on the following conditions:

1. The term of this provisional variance shall commence when the Petitioner, City of Monmouth, initiates the removal of its sand filter at its wastewater treatment plant, it shall expire on the date the petitioner returns its wastewater treatment plant to service, or after 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 40 mg/l TSS on a monthly average;
3. The Petitioner shall notify Ken Newman of the Agency's Peoria Regional office by telephone, at 309/693-5463, when it removes its sand filter unit from service and when it returns the unit to service, and the Petitioner shall confirm this notice in writing within five 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: Erin Rednour

4. The petitioner shall perform the necessary maintenance and modification work as expeditiously as possible and operate its plant during the term of this provisional variance in a manner that assures the best effluent practicable; and
5. During this provisional variance, petitioner shall continue to monitor, and maintain compliance with the other parameters, as addressed in NPDES Permit No. IL0036218.
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 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 93-155, August 26, 1993.

Petitioner

Authorized Agent

Title

Date

The Agency recommendation did not include the customary recommendation that the Board grant the provisional variance subject to conditions, and the Board does not add conditions to the grant.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted by the Board on the 26th day of August, 1993, by a vote of 6-0.

Dorothy M. Gunn, Clerk
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Illinois Pollution Control Board