

ILLINOIS POLLUTION CONTROL BOARD
June 4, 1992

LTV STEEL COMPANY,)
)
Petitioner,)
)
v.) PCB 92-85
) (Provisional Variance)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J.C. Marlin):

This matter comes before the Board on receipt of an Agency Recommendation dated June 3, 1992. The recommendation refers to a request from Petitioner, LTV Steel Company, for a provisional variance for its Putnam County facility from 35 Ill. Adm. Code 304.141 to allow the chlorination of its River Pumping Station intake water for the control of Zebra mussels, for the period from when the Petitioner begins its control program for zebra mussels, by treating the intake water with chlorine, and continuing for 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 and unreasonable hardship on the Petitioner.

The responsibilities of the Agency and the Board in these short-term provisional variances are different from the responsibilities in standard variances. See Ill. Rev. Stat. 1989, ch. 111½, 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 and unreasonable hardship, the Board hereby grants Petitioner a provisional variance from 35 Ill. Adm. Code 304.141, on the

following conditions:

1. The term of this provisional variance shall commence when the Petitioner, LTV Steel Company, initiates their chlorine treatment control for zebra mussels and continue until 45 days have elapsed;

2. During the term of this provisional variance, the Petitioner's shall monitor for chlorine residual on a twice-daily basis for the first five days of the control program, and the total residual chlorine concentration shall not exceed 0.05 mg/l during the term of this provisional variance;

3. The Petitioner shall notify Jack Adam of the Agency's Rockford Regional office by telephone, at 815/987-7760, when you begin treatment for zebra mussel control, 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: Gordon McCall

4. The Petitioner shall use dechlorination chemical(s) at a rate sufficient to provide complete dechlorination, excess application should be avoided to the extent practicable, and the dechlorination systems shall be interlocked or otherwise controlled to operate whenever chlorination is occurring; and

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 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 92-85, June 4, 1992.

Petitioner

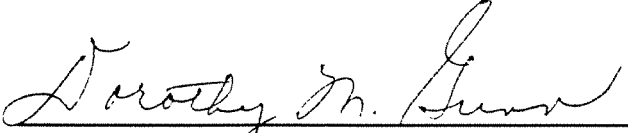
Authorized Agent

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
4th day of June, 1992, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board