

ILLINOIS POLLUTION CONTROL BOARD
April 23, 1992

CITY OF CHARLESTON,)	
)	
Petitioner,)	
)	
v.)	PCB 92-59
)	(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 April 22, 1992. The recommendation refers to a request from Petitioner, City of Charleston, for a provisional variance for its Coles County facility from the, biochemical oxygen demand (CBOD₅), and suspended solids (TSS) effluent requirements, as set forth in 35 Ill. Adm. Code 304.120(c) and 304.141(a) when the Petitioner begins its siphon discharge from its stormwater lagoons, and continuing 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 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 304.120(c) and 304.141(a), on the following conditions:

1. The term of this provisional variance shall commence when the Petitioner, City of Charleston, initiates its siphon discharge from its stormwater lagoons, and continue until after 45 days have elapsed;

2. During the term of this provisional variance, the effluent from the Petitioner's treatment plant shall not exceed concentrations of 20 mg/l CBOD₅ or 24 mg/l TSS (each on a monthly average concentration basis);

3. During this provisional variance, Petitioner shall monitor the effluent for the parameters as listed in their NPDES permit IL0021644 from the point of where the lagoon discharge and plant effluent converge and mix prior to discharge.

4. The Petitioner shall operate its plant during the term of this provisional variance in a manner that assures the best effluent practicable and shall provide complete treatment for all flows as soon as possible; 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 below:

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

Attention: Patricia Lindsey

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 92-59, April 23, 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
23rd day of April, 1992, by a vote of
7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board