

ILLINOIS POLLUTION CONTROL BOARD
April 6, 2000

CITY OF ROCK ISLAND,)	
)	
Petitioner,)	
)	
v.)	PCB 00-170
)	(Provisional Variance - Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.A. Manning):

On April 5, 2000, the Illinois Environmental Protection Agency (Agency) filed a request for a provisional variance and notification of recommendation. The Agency recommends that the Board grant a 45-day provisional variance to the City of Rock Island for its main wastewater treatment plant. The provisional variance would allow this Rock Island County petitioner to install an additional final clarifier and to perform various piping modifications. In making its recommendation, the Agency states that failure to grant the requested provisional variance for 45 days will result in an arbitrary or unreasonable hardship on the petitioner.

The Board grants the petitioner a provisional variance from the five-day biochemical oxygen demand (BOD) and total suspended solids (TSS) limits set forth in 35 Ill. Adm. Code 304.120 and 304.141(a) and National Pollutant Discharge Elimination System (NPDES) Permit No. IL0030783. The Board is required, in a provisional variance, to adopt a formal order, assure formal maintenance of the record, assure the enforceability of the variance, and provide notification of the action by press release. Pursuant to Section 35(b) of the Environmental Protection Act (Act) (415 ILCS 5/35(b) (1998)), the Board must issue the provisional variance within two days of the filing.

The provisional variance is granted, subject to the following conditions:

1. The variance shall begin on the date when petitioner takes the first aeration basin out of service and shall continue for 45 days or until the basin is returned to service, whichever occurs first.
2. During the variance period, petitioner's TSS shall be limited to 45 milligrams/liter (mg/l) as a monthly average concentration and BOD shall be limited to 35 mg/l as a 30-day monthly average concentration. Petitioner shall continue to meet all other limits imposed by its NPDES Permit No. IL0030783.

- 3. Petitioner shall notify James E. Kammuehler of the Agency by telephone at 309/693-5463 when the aeration basin has been taken out of service and again when it has been returned to service. Written confirmation of each notice shall be sent within five days to the following address:

Illinois Environmental Protection Agency
 Bureau of Water, Compliance Assurance Section
 Attention: Erin Rednour
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, Illinois 62794-9276

- 4. Petitioner shall sign a certificate of acceptance of this provisional variance and forward that certificate to Erin Rednour at the address indicated above within ten days of the date of this order. The certification should 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 00-170 dated April 6, 2000.

 Petitioner

 Authorized Agent

 Title

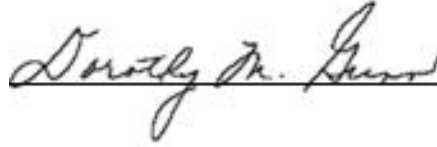
 Date

- 5. Petitioner shall operate the wastewater treatment facility in such a manner so as to produce the best effluent practicable. This shall include, but not be limited to, providing that all four aerators in Tank 2 will be operational prior to removing Tank 1 from service. Additionally, petitioner shall perform the scheduled construction as expeditiously as possible to minimize the time period that the aerators are out of service.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 6th day of April 2000 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board