

ILLINOIS POLLUTION CONTROL BOARD
October 10, 1991

USX CORPORATION,)	
U.S. STEEL - SOUTH WORKS,)	
)	
Petitioner,)	
)	
v.)	PCB 91-189
)	(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 October 9, 1991. The recommendation refers to a request from Petitioner, USX Corporation, for a provisional variance from the total residual halogen (TRH) requirements, as set forth in 35 Ill. Adm. Code 302.208(d) and 304.141(b), for the period from when the Petitioner begins initiation of its zebra mussel eradication program, and continuing for a period of 45 days, or until the Petitioner's modified permit is issued in final form, whichever occurs first.

The Agency recommends that the Board grant the requested provisional variance with specified conditions. 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 302.208(d) and 304.141(b), on the following conditions:

1. The term of this provisional variance shall commence when the Petitioner, USX Corporation, initiates its zebra mussel eradication program at the plant intake water station, and it shall expire on the date the Petitioner after 45 days have elapsed, or when the Petitioner's modified permit is issued in final form, whichever comes first;

2. During the term of this provisional variance, the Petitioner shall monitor for TRH once per day from Outfalls 001, 002 and 003 (grab samples). Petitioner shall also sample for the other effluent permit limits at the frequency noted in their NPDES permit (IL0002691).

3. During the term of this provisional variance, the Petitioner shall meet a daily maximum limit of 0.05 mg/l TRH at each outfall (concentration limit). In addition, Petitioner shall also meet the other effluent permit limits so noted in their permit.

4. The Petitioner shall notify Adolfo Gonzalez of the Agency's Maywood Regional office by telephone, at (708) 531-5900 , when initiation of the zebra mussel eradication program is begun. 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: Mark Books

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 91-189, October 10, 1991.

Petitioner

Authorized Agent

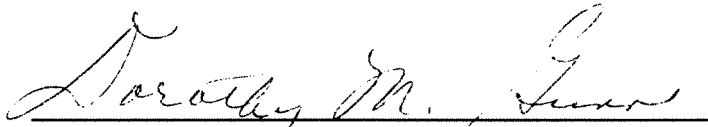
Title

Date

IT IS SO ORDERED.

Board Members J. D. Dumelle and B. Forcade concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control
Board, do hereby certify that the above Order was adopted on the
10th day of October, 1991, by a vote of
7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board