

ILLINOIS POLLUTION CONTROL BOARD
August 24, 2000

ILLINOIS DEPARTMENT OF NATURAL RESOURCES)
(Ballards Island Dredging Project),)
)
Petitioner,)
)
v.)
) PCB 01-35
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,) (Provisional Variance - Water)
)
Respondent.)
)
)
)

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

On August 22, 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 Illinois Department of Natural Resources for its Ballards Island Dredging Project, near Marseilles, LaSalle County, Illinois. The Ballards Island Dredging Project's purpose is to restore navigation to a recreational marina and to test new technology for dredging. The provisional variance would allow this petitioner to discharge free water from its dredge spoil holding into an unnamed ditch which discharges into the Illinois River. 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 total suspended solids (TSS) limits set forth in 35 Ill. Adm. Code 304.124 and 304.141(a). 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 begins discharging free water from holding cells and shall continue for 45 days or until enough free water has been discharged, to enable the dredging project to be completed, whichever occurs first.
2. During the variance period, petitioner shall meet a daily maximum TSS limit of 70 mg/L. Petitioner shall sample for TSS daily when discharging. Moreover, petitioner shall discharge the free water in such a way as to produce the best effluent possible.
3. Petitioner shall notify Dennis Conner of the Agency's Rockford regional office by telephone at 815/987-7755 when discharge of the free water begins, and again when the discharge is completed. Written confirmation of each notice shall be sent within five days to the following address:

Illinois Environmental Protection Agency
Bureau of Water - Water Pollution Control
Attention: Mark T. Books
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 Mark T. Books 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 01-35 dated August 24, 2000.

 Petitioner

 Authorized Agent

 Title

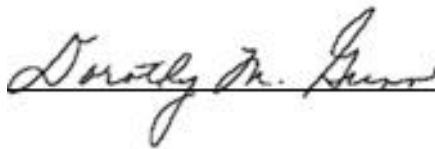
 Date

- 5. Petitioner shall continue to monitor and maintain compliance with all other parameters and conditions specified in its Illinois Environmental Protection Agency Permit No. 1999EA4806.

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 24th day of August 2000 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board