

ILLINOIS POLLUTION CONTROL BOARD

September 21, 2000

CITY OF BATAVIA,)
)
 Petitioner,)
)
 v.) PCB 01-53
) (Provisional Variance – Water, NPDES)
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)
)

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

On September 19, 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 Batavia (City) for its wastewater treatment facility, located at 100 North Island Avenue, Batavia, Kane County, Illinois. The requested variance is from the total suspended solids (TSS) and carbonaceous biochemical oxygen demand (CBOD) effluent concentration limits in the Board's rules and contained in National Pollutant Discharge Elimination System (NPDES) Permit IL0022543, while installation of a new clarifier and ultraviolet disinfection system is completed on the City's wastewater treatment plant.

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 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 (415 ILCS 5/35(b) (1998)), the Board must issue the provisional variance within two days of the filing.

The Board grants the petitioner a provisional variance from 35 Ill. Adm. Code 304.141(a), 304.120(a) and from the excess flow limitations of NPDES Permit IL0022543. However, during this provisional variance period, petitioner must still meet the monthly average effluent concentration limits of 30 mg/l for TSS and 30 mg/l for CBOD.

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

1. The variance shall begin when petitioner notifies the Agency that the expansion of the existing wastewater treatment plant has begun, and continue for 45 days or until completion of the work, whichever occurs first.
2. During the variance period, petitioner shall meet the monthly average effluent concentration limits of 30 mg/l for TSS and 30 mg/l for CBOD.
3. Petitioner shall notify Enoch Mensah of the Agency's Chicago regional office by telephone at 847-294-4000 when the installation begins and again when the installation is completed. Written confirmation of each notice shall be sent within five days to the following address:

Dan Ray
Illinois Environmental Protection Agency
Bureau of Water - Compliance Assurance Section

1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

4. Petitioner shall continue to monitor and maintain compliance with all other parameters and conditions specified in its Illinois Environmental Protection Agency Permit IL0022543.
5. Petitioner shall complete the permitted expansion as expeditiously as possible. Petitioner shall operate the facility in such a manner so as to produce the best effluent practicable and shall provide full treatment to the maximum amount of flow as possible.
6. Petitioner shall sign a certificate of acceptance of this provisional variance and forward that certificate to Dan Ray 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 01-53 dated September 21, 2000.

Petitioner

Authorized Agent

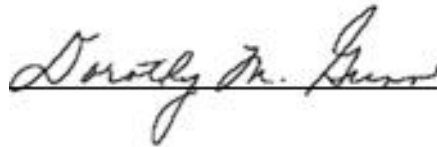
Title

Date

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 21st day of September 2000 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board