

ILLINOIS POLLUTION CONTROL BOARD

January 4, 2001

CMS PANHANDLE EASTERN PIPE LINE)	
COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 01-103
)	(Provisional Variance – Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On January 3, 2001, 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 CMS Panhandle Eastern Pipe Line Company (CMS) for its pipeline located in Pike County, Illinois.

CMS utilizes this pipeline to deliver natural gas to customers from the Texas panhandle to Eastern Michigan. Because of a recent failure of the pipeline, CMS proposes to remove the natural gas and pressurize the pipeline with water to test the pipeline's integrity. The requested variance from 35 Ill. Adm. Code 304.141(b) and 309.102(a) will allow CMS to discharge the resulting hydrostatic test water following the test. Approximately 2,800,000 gallons of water will be discharged at a controlled rate through a hay bale and silt fence structure in order to minimize erosion and sedimentation.

Due to the need to return the pipeline to service after its recent failure, CMS asserts it "cannot abide the time delay required to acquire an individual permit for this discharge." 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(b) and 309.102(a).

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

1. The variance begins January 5, 2001, and continues for 45 days, that is, until February 18, 2001.
2. During the variance period, petitioner must treat the hydrostatic water so as to produce the best effluent possible.
3. During the variance period, CMS must meet the monthly average effluent concentration limits of 15 mg/L of Total Suspended Solids (TSS), 15 mg/L of Oil and Grease (O and G), and 2 mg/L of Total Iron (TI).
4. During the variance period, CMS must not exceed the daily maximum effluent concentration limits of 30 mg/L of TSS, 30 mg/L of O and G, and 4 mg/L of TI.
4. Petitioner must notify Jim Miles of the Agency's Springfield regional office by telephone at 217-786-6892 when the discharge of hydrostatic test water begins and again when the discharge has been completed. Written confirmation of each notice must be sent within five days to the following address:

Illinois Environmental Protection Agency
Bureau of Water - Water Pollution Control
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

5. Petitioner must sign a certificate of acceptance of this provisional variance and forward that certificate to Barb Conner 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 01-103 dated January 4, 2001.

Petitioner

Authorized Agent

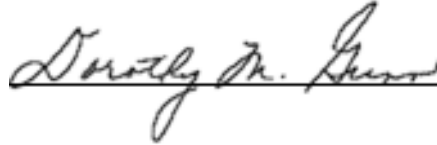
Title

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 101.520, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 4th day of January 2001 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