

ILLINOIS POLLUTION CONTROL BOARD
April 15, 1982

VILLAGE OF HANOVER,)
)
 Petitioner,)
)
 v.) PCB 82-44
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by Jacob D. Dumelle):

On April 15, 1982 the Illinois Environmental Protection Agency (Agency) filed a recommendation that the Village of Hanover be granted a provisional variance from Rule 404 of Chapter 3: Water Pollution. The Agency has concluded that short-term compliance with that rule would impose an arbitrary or unreasonable hardship on Hanover, and that a failure to grant the requested provisional variance might, in fact, cause greater environmental harm than if it were granted.

Therefore, pursuant to Section 35(b) of the Environmental Protection Act, the Board will grant this provisional variance.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

The Board hereby grants a provisional variance to the City of Hanover from the limitations of Rule 404 of Chapter 3: Water Pollution for a period of 45 days from the date of this Order, subject to the following conditions:

1. Hanover shall notify the Agency's Regional Office when discharge begins and ends from the lagoon. Notification shall be made to:

Illinois Environmental Protection Agency
4302 North Main Street
Rockford, Illinois 61103
(815/987-7755)

2. Hanover shall complete drainage of the lagoon within a 3 week period or June 1, 1982, whichever occurs first. No direct discharge from the lagoon shall be allowed thereafter.

3. Hanover shall take daily grab samples for BOD and TSS and submit the results within 7 days after the end of each week of discharging.

4. Hanover shall execute a certification of acceptance and agreement to be bound by the terms and conditions of the variance within 15 days of the date of this Order. This certificate shall be in the following form:

CERTIFICATION

I, (We) _____, having read the Order of the Illinois Pollution Control Board in PCB 82-44 dated April 15, 1982, understand and accept said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner

By: Authorized Agent

Title

Date

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify that the above Opinion and Order were adopted on the 15th day of April, 1982 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board