

ILLINOIS POLLUTION CONTROL BOARD
January 7, 1999

GALESBURG SANITARY DISTRICT,)
)
 Petitioner,)
)
 v.) PCB 99-96
) (Provisional Variance - Water)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

On January 5, 1999, 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. The provisional variance would allow this Knox County petitioner to replace a section of 24-inch diameter pipe located in the main raw sewage pump room at its 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 grants the petitioner a provisional variance from the limits for effluent discharges in excess of 22 million gallons per day as set forth in 35 Ill. Adm. Code 304.141(a) and 304.207(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 (415 ILCS 5/35(b) (1996)), the Board must issue the provisional variance within two days of the filing.

The provisional variance shall begin when the first stage treatment is removed from service to effect repairs and shall expire on April 30, 1999, or after 45 days have elapsed, or when the repairs are completed and the biological process restored, whichever occurs first, subject to the following conditions:

1. During the variance period, the effluent from petitioner's wastewater treatment plant shall not exceed the concentrations of 40 milligrams/liter (mg/l) for carbonaceous biochemical oxygen demand and 50 mg/l of total suspended solids as a monthly average limitation.
2. Petitioner shall notify Kenneth B, Newman of the Agency's Peoria regional office by telephone at 309/693-5463 when it removes the first stage treatment

from service, and when the first stage treatment is returned back to service. Written confirmation shall be sent within five days to the following address:

Illinois Environmental Protection Agency
Bureau of Water - Compliance Assurance Section
Attention: Erin Rednour
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

- 3. Petitioner shall return the first stage treatment to service as expeditiously as possible and operate its wastewater treatment facility during the term of this variance in a manner that assures best effluent practicable.
- 4. Petitioner shall continue to monitor and maintain compliance with all other parameters in National Pollutant Discharge Elimination System Permit No. IL0023141.
- 5. Petitioner shall sign a certificate of acceptance of this provisional variance and forward that certificate to the Agency 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 99-96 dated January 7, 1999.

Petitioner

Authorized Agent

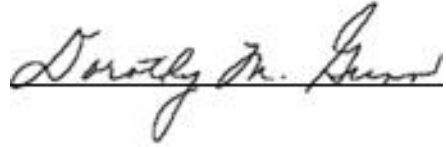
Title

Date

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) 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 7th day of January 1999 by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board