

ILLINOIS POLLUTION CONTROL BOARD  
August 19, 1999

VILLAGE OF LIBERTYVILLE, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 00-29  
 ) (Provisional Variance - Water)  
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Respondent. )  
 )

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

On August 17, 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 Lake County petitioner to complete repair work on the excess flow lagoon 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 five-day biochemical oxygen demand and suspended solids limits set in 35 Ill. Adm. Code 304.141(a) and 35 Ill. Adm. Code 304.120, and imposed by National Pollutant Discharge Elimination System (NPDES) Permit No. IL0029530. 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 shall begin on a date in 1999, subject to the following conditions:

1. The variance shall begin on the date in 1999 when petitioner begins bypassing the excess flow from the lagoon while work is completed on the excess flow facility and shall continue for 45 days or until the repair work is completed, whichever occurs first. Petitioner may bypass only during significant rainfall events.
2. Petitioner shall notify Chris Kallis of the Agency's Maywood regional office by telephone at 708/338-7900 at the commencement and completion of the utilization of this provisional variance. Petitioner shall also continue to meet the additional effluent limits contained in its NPDES Permit No. IL0029530. Written confirmation of each notice shall be sent within five days to the following address:

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

3. Petitioner shall operate its wastewater treatment facility during the term of this variance in a manner that assures best effluent practicable and shall provide full treatment to the maximum

amount of flow possible. Petitioner shall also complete the lagoon rehabilitation as expeditiously possible.

Petitioner shall sign a certificate of acceptance of this provisional variance and forward that certificate to Susan Davison 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 00-29 dated August 19, 1999.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Authorized Agent

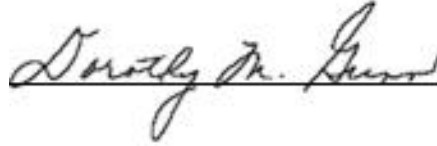
\_\_\_\_\_  
Title

\_\_\_\_\_  
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 19th day of August 1999 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