

ILLINOIS POLLUTION CONTROL BOARD
August 19, 1999

CITY OF KNOXVILLE,)
)
Petitioner,)
)
v.) PCB 00-30
) (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. This request is for an extension of the provisional variance granted in PCB 99-185 on June 17, 1999. The provisional variance would allow this Knox County petitioner to complete painting, repairs, and construction modification work on the three activated sludge units 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 extension from the excess flow limits set forth in 35 Ill. Adm. Code 304.141 and National Pollutant Discharge Elimination System (NPDES) Permit No. IL0022209. 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 August 10, 1999, subject to the following conditions:

1. The variance shall begin August 10, 1999, and continue for 45 days or until the last activated sludge treatment unit is returned to service, whichever occurs first.
2. Petitioner shall notify Ken Newman of the Agency's Peoria regional office by telephone at 309/693-5463 when the last unit is returned to service. 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: Mark T. Books
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

3. During the variance period, petitioner shall be allowed to discharge excess flow over 0.49 million gallons per day from Outfall 001A and shall continue to be limited to the other effluent limits stated in its NPDES Permit No. IL0022209.

4. Petitioner shall perform the necessary painting, repairs, and construction modification work on the activated sludge treatment units as expeditiously as possible so as to minimize the period of time the treatment units are out of service.

Petitioner shall sign a certificate of acceptance of this provisional variance and forward that certificate to Mark T. Books 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 00-30 dated August 19, 1999.

Petitioner

Authorized Agent

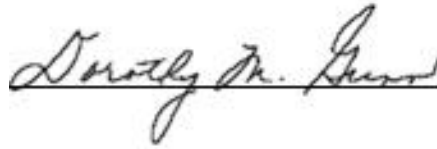
Title

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