

ILLINOIS POLLUTION CONTROL BOARD

December 16, 1999

ARCHER DANIELS MIDLAND	)	
COMPANY and CITY OF DECATUR,	)	
	)	
Petitioners,	)	
	)	
v.	)	PCB 00-101
	)	(Provisional Variance - Water)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

On December 15, 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 to allow pumping of groundwater from four wells located on the east side of petitioner Archer Daniels Midland Company's (ADM) Decatur East Complex into Fairies Creek. This groundwater would flow into Lake Decatur, which is the petitioner City of Decatur's (City) primary source of water. This water would then be treated at one of two water treatment facilities owned by the City. The purpose of the provisional variance is to allow ADM to assist the City in maintaining an adequate public water supply during a period of abnormally low rainfall. 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 petitioners a provisional variance from effluent discharge requirements set forth in 35 Ill. Adm. Code 304.141 and permit requirements set forth in 35 Ill. Adm. Code 309.102. 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 is granted, subject to the following conditions:

1. The variance shall begin on the date when ADM begins pumping groundwater into Fairies Creek and shall continue for 45 days or until the Agency issues a National Pollutant Discharge Elimination System Permit authorizing the discharges, or until sufficient rain has fallen such that an adequate supply of water is available and the public water supply is no longer threatened, whichever occurs first.

2. Prior to discharging groundwater to augment flow into Lake Decatur, ADM shall resample each well for mercury and utilize only wells with non-detection's for this contaminant.
3. During the provisional variance period, ADM shall sample each well that it is pumping from once per week for pH, total suspended solids, and total iron. In addition, continuous flow (million gallons per day) shall be calculated using the capacity of each pump and the duration of pumping at each well. ADM shall submit sample results and calculated flows weekly to the Agency.
4. During the provisional variance period, the City shall develop and implement a comprehensive water conservation plan.
5. Petitioner shall notify Eliana Brown of the Agency by telephone at 217/333-8361 when groundwater pumping begins and again when the pumping activities stop. 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

6. 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 00-101 dated December 16, 1999.

\_\_\_\_\_  
Petitioner

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

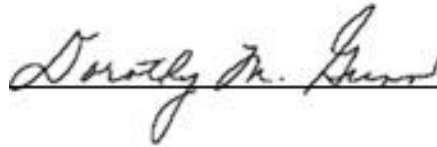
\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

IT IS SO ORDERED.

Section 41 of the 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 16th day of December 1999 by a vote of 6-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board