

ILLINOIS POLLUTION CONTROL BOARD
July 23, 1998

VILLAGE OF MALTA,)	
)	
Petitioner,)	
)	
v.)	PCB 99-15
)	(Provisional Variance - Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On July 21, 1998, the Illinois Environmental Protection Agency (Agency) filed a request for provisional variance and notification of recommendation. The Agency recommends that the Board grant a 45-day provisional variance. The provisional variance would allow the petitioner's DeKalb County facility to rehabilitate its wastewater treatment plant by removing sludge from its four cells. 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 35 Ill. Adm. Code 304.141(a) as it applies to five-day biochemical oxygen demand (BOD₅), and to suspended solids (SS), and from 35 Ill. Adm. Code 304.120(c) as it applies to the limits for BOD₅, carbonaceous biochemical oxygen demand (CBOD₅), and by SS imposed by National Pollutant Discharge Elimination System (NPDES) Permit No. ILG580030. 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) (1996)), the Board must issue the provisional variance within two days of the filing.

The Board hereby grants the petitioner a provisional variance beginning on a date in 1998, and continuing for 45 days thereafter, subject to the following conditions:

1. The variance shall begin on a date during 1998 when rehabilitation work begins on the lagoons and shall continue for 45 days thereafter until the rehabilitation work on the treatment plant is completed, whichever occurs first.
2. During the variance period, petitioner shall operate its wastewater treatment facility as to produce the best effluent practicable. Additionally, petitioner shall meet the following effluent limits:

	<u>CBOD₅</u>	<u>SS</u>
Monthly Average	50 mg/L ²	74 mg/L

3. Petitioner shall notify Jack Adam of the Agency's Rockford regional office by telephone at 815/987-7755 when work on the lagoons begins and again when rehabilitation work on the wastewater treatment plant is completed and returned to service. Written confirmation of each notice shall be sent within five (5) days to the following address:

Illinois Environmental Protection Agency
 Bureau of Water - Compliance Assurance Section
 Attention: Mark T. Books
 P.O. Box 19276
 Springfield, Illinois 62794-9276

4. Petitioner shall perform the necessary rehabilitation work on the wastewater treatment plant as expeditiously as possible.
5. Within ten (10) days of the date of the Board's July 23, 1998 order, by August 2, 1998, petitioner shall execute the Certification set forth below and shall send it to Mark T. Books at the address indicated in condition number 3 above.

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 99-15 dated July 23, 1998.

 Petitioner

 Authorized Agent

 Title

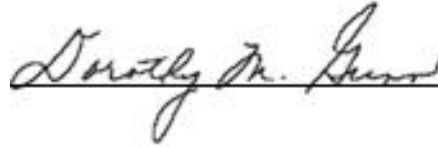
 Date

IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

Section 41 of the Environmental Protection Act (415 ILCA 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 23rd day of July 1998 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