

ILLINOIS POLLUTION CONTROL BOARD
July 23, 1998

WAUBONSEE COMMUNITY COLLEGE,)
)
 Petitioner,)
)
 v.) PCB 99-16
) (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 Kane County facility to remove sludge, make necessary repairs, and to install a final clarifier skimmer mechanism in its package extended aeration activated sludge 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 35 Ill. Adm. Code 302.212 as it applies to petitioner's ammonia nitrogen limit, from 35 Ill. Adm. Code 304.120(c) as it applies to five-day biochemical oxygen demand (BOD₅), from 35 Ill. Adm. Code 304.141(a) as it applies to (1) five-day carbonaceous biochemical oxygen demand (CBOD₅) and to suspended solids (SS), and (2) the limits for BOD₅, CBOD₅, and SS imposed by National Pollutant Discharge Elimination Permit (NPDES) No. IL0038229. 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 the package extended aeration activated sludge treatment plant is removed from service and continue for 45 days thereafter or until the work on the package plant is completed, whichever occurs first.

2. During the variance, petitioner shall operate its wastewater treatment facility so as to produce the best effluent practicable. Petitioner shall conduct the repair work in such a way as to minimize the amount of wastewater that needs to be discharged during the repair work. Additionally, petitioner shall meet the following effluent limits:

| | | | |
|-----------------|-------------------------|-----------|-------------------------|
| | <u>CBOD₅</u> | <u>SS</u> | <u>Ammonia Nitrogen</u> |
| Monthly Average | 80 mg/L | 80 mg/L | 12 mg/L |

Petitioner shall monitor the CBOD₅, SS, and ammonia nitrogen level five days per week, during the variance period, if discharging. Petitioner shall also continue to meet all other limits in its NPDES Permit No. IL0055387.

3. Petitioner shall notify Enoch Mensah of the Agency's Maywood regional office by telephone at 708/338-7900 when the package plant is removed from service and again when it is returned to service. Written confirmation of each notification 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

4. Petitioner shall perform the necessary repair work on the package plant as expeditiously as possible to minimize the time period that the package plant is out of service.
5. Within ten 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 in condition number three 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 99-16, dated July 23, 1998.

Petitioner

Authorized Agent

Title

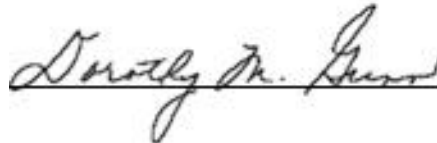
Date

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.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board