

ILLINOIS POLLUTION CONTROL BOARD
September 17, 1998

JEFFERSON SMURFIT)	
CORPORATION (Alton Mill),)	
)	
Petitioner,)	
)	
v.)	PCB 99-43
)	(Provisional Variance - Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On September 15, 1998, 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 the petitioner's Madison County facility to repair its wastewater treatment plant. The provisional variance would allow bypass discharge of final effluent into a drainage ditch known as Sheppard's ditch while repairs are made to the facility's effluent line. 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 ammonia nitrogen and un-ionized ammonia, 35 Ill. Adm. Code 304.120(c) as it applies to the limits for biochemical oxygen demand and total suspended solids, 35 Ill. Adm. Code 309.102 which prohibits discharges not specifically allowed by National Pollutant Discharge Elimination System permit, Section 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(f) (1996)), and the Board's regulations. 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 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 September 2, 1998, and continuing for 45 days or until the effluent line is returned to service, subject to the following conditions:

1. The petitioner shall notify Barb Conner of the Illinois Environmental Protection Agency by telephone at 217/782-9720 when the repairs are completed. Petitioner shall confirm this notice in writing within five days to the address noted below:

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

- 2. The petitioner shall meet its National Pollutant Discharge Elimination System permit effluent limits.
- 3. The petitioner shall sign a certificate of acceptance of this provisional variance and forward that certificate to the Agency 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 99-43 dated September 17, 1998.

Petitioner

Authorized Agent

Title

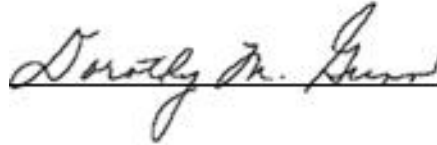
Date

IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

Section 41 of the Environmental Protection Act (415 ILCS 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 17th day of September 1998 by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board