

ILLINOIS POLLUTION CONTROL BOARD
October 1, 1998

UNITED STATES DEPARTMENT)	
OF THE INTERIOR - CRAB ORCHARD)	
NATIONAL WILDLIFE REFUGE,)	
)	
Petitioner,)	
)	
v.)	PCB 99-48
)	(Provisional Variance - Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On September 29, 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 Williamson County wastewater treatment plant (WWTP) to treat and discharge one sub-waste stream not currently listed in its National Pollutant Discharge Elimination System (NPDES) Permit No. IL0004791. This waste stream is approximately 100,000 gallons of water collected in the leachate collection system at the petitioner's Metals Area Operable Unit landfill. 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 effluent discharge limits set in 35 Ill. Adm. Code 304.141(b) and 35 Ill. Adm. Code 309.102 which prohibits discharges not specifically allowed by NPDES permit, Section 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(f) (1996)), NPDES Permit No. IL0004791, 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 provisional variance shall begin on a date in 1998, subject to the following conditions:

1. The variance shall begin when the leachate water is pumped to the WWTP and continue for 45 days or until the leachate water is pumped to the wastewater treatment facility, whichever occurs first.

2. During the variance period, petitioner shall operate its WWTP so as to produce the best effluent practicable. Petitioner shall also continue to meet the effluent limits contained in its NPDES Permit No. IL0004791. Petitioner shall monitor and meet the following additional effluent limits from outfall 001 of the WWTP:

Concentration Limits Milligrams/Liter

	<u>30 Day Average</u>	<u>Daily Maximum</u>
Arsenic	75	80
Chromium (total)	1.0	2.0
Copper	0.5	1.0
Fluoride	15	30
Lead	0.2	0.4
Manganese	1.0	2.0
Mercury	-	0.0005
Nickel	1.0	2.0
Phenols	0.3	0.6
Phosphorus	1.0	2.0
Silver	0.1	0.2
Zinc	1.0	2.0

3. Petitioner shall notify Dwight Hill of the Agency's Marion regional office by telephone at 619/993-7200 when the leachate water is pumped to the WWTP and again when pumping of the leachate water is completed. 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

4. 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 99-48 dated October 1, 1998.

Petitioner

Authorized Agent

Title

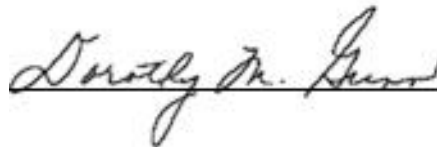
Date

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 1st day of October 1998 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board