

ILLINOIS POLLUTION CONTROL BOARD
November 19, 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):

This matter comes before the Board on a motion to correct the Board's order of October 1, 1998, filed by respondent on November 2, 1998. The Illinois Environmental Protection Agency (Agency) requests that the Board revise the concentration limits for the parameter arsenic in the table in paragraph 2 of the order. The Agency requested that the table reflect a 30-day average concentration of 0.25 mg/l and a daily concentration of 0.50 mg/l.

The Board grants complainant's motion to correct the Board's October 1, 1998 order. For the convenience of the parties, we set forth below the October 1, 1998 order in its entirety with the clerical error corrected.¹

On September 29, 1998, the 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

¹ The Board notes that petitioner shall again 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, as specified in condition 4 of this order.

(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	0.25	0.50
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, as modified on November 19, 1998.

Petitioner

Authorized Agent

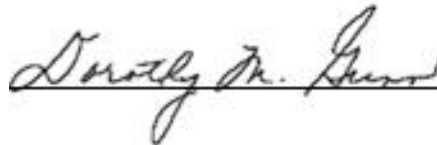
Title

Date

IT IS SO ORDERED.

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 19th day of November 1998 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board