

ILLINOIS POLLUTION CONTROL BOARD  
August 9, 1990

ELECTRIC ENERGY, INC.,                    )  
  )  
                  Petitioner,                )  
  )  
                  v.                            )  
  )                PCB 90-155  
  )                (Provisional Variance)  
ILLINOIS ENVIRONMENTAL                    )  
PROTECTION AGENCY,                        )  
  )  
                  Respondent.                )

ORDER OF THE BOARD (J. Marlin):

This matter comes before the Board on receipt of an Agency Recommendation dated August 8, 1990. The recommendation refers to a request from Petitioner, Electric Energy, Inc., for a provisional variance from the suspended solids (TSS) effluent requirements, as set forth in 35 Ill. Adm. Code 304.120 and 304.141(a), for the period from when the Petitioner commences construction at its wastewater treatment facilities, and continuing until the Petitioner completes that construction, but not for longer than 45 days.

The Agency recommends that the Board grant the requested provisional variance with specified conditions. The Agency agrees that the repairs are necessary. The Agency anticipates that the requested provisional variance would have minimal environmental impact on the receiving stream. The Agency is unaware of any public water supplies that the requested provisional variance would adversely impact. The Agency maintains that a grant of a provisional variance would violate no federal laws. The Agency opines that a denial of the requested provisional variance would create an arbitrary and unreasonable hardship on the Petitioner.

In light of the Agency Recommendation, the Board hereby grants a provisional variance from 35 Ill. Adm. Code 304.120 and 304.141(a) on the following conditions:

1. The term of this provisional variance shall commence the Petitioner, Electric Energy, Inc. initiates construction, and it shall expire on the date the Petitioner completes construction or after 45 days have elapsed, whichever comes first;
2. The Petitioner shall notify Dwight Hill of the Agency's Marion Regional office by telephone, at 618/997-4371 when it initiates construction and when it completes construction, and the Petitioner shall confirm this notice in writing within five days, addressed as follows:

Illinois Environmental Protection Agency  
Division of Water Pollution Control  
Compliance Assurance Section  
2200 Churchill Road  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Attention: Barbara Conner

3. The Petitioner shall complete construction as soon as possible and operate its plant during the term of this provisional variance in a manner that assures the best treatment practicable; and

4. The Petitioner shall execute a copy of a Certificate of Acceptance of this provisional variance and forward that copy to the Agency addressed as is required above for a notice; the Petitioner shall forward that copy within 10 days of the date of this Order of the Board, and the Certificate of Acceptance shall 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 90-155, August 9, 1990.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Authorized Agent

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Order was adopted on the 9<sup>th</sup> day of August, 1990, by a vote of 6-0.

Dorothy M. Gunn 1990.  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board