

ILLINOIS POLLUTION CONTROL BOARD

January 4, 2001

ILLINOIS AMERICAN WATER)	
COMPANY, ALTON REPLACEMENT)	
FACILITY,)	
)	
Petitioner,)	
)	
v.)	PCB 01-100
)	(Provisional Variance – Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On January 2, 2001, 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 to the Illinois American Water Company, Alton Replacement Facility (IAWC), for its public water supply treatment plant, located in Alton, Madison County, Illinois. The requested variance is from the requirement of a National Pollutant Discharge Elimination System (NPDES) permit to allow it to bring the replacement plant into service on December 28, 2000, before its pending NPDES permit has been finally issued by the Agency.

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 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 (415 ILCS 5/35(b) (1998)), the Board must issue the provisional variance within two days of the filing.

The Board grants the petitioner a provisional variance from 35 Ill. Adm. Code 309.102.

The provisional variance is granted, subject to the following conditions:

1. The variance begins December 28, 2000, and continues for 45 days or until the effective date of the final NPDES permit for the Alton replacement facility.

- 2. During the variance period, petitioner must comply with the terms of the adjusted standard in *In re: Petition of Illinois American Water Company's Public Water Supply Replacement Facility Discharge to the Mississippi River for an Adjusted Standard from 35 Ill. Code 302.203, 304.106, and 304.124* (September 7, 2000), AS 99-6.

- 3. Petitioner must sign a certificate of acceptance of this provisional variance and, within ten days of the date of this order, forward that certificate to the following address:

Illinois Environmental Protection Agency
 Bureau of Water – Water Pollution Control
 Compliance Assurance Section
 Wastewater Compliance Monitoring Unit
 Attention: Roger Callaway
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, Illinois 62794-9276

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 01-100 dated January 4, 2001.

 Petitioner

 Authorized Agent

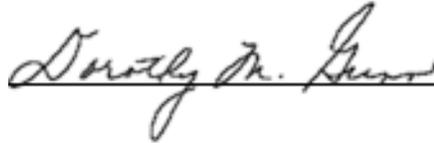
 Title

 Date

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) 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 101.520, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 4th day of January 2001 by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board