

ILLINOIS POLLUTION CONTROL BOARD
October 19, 1995

CITY OF JOLIET,)	
)	
Petitioner,)	
)	
v.)	PCB 96-83
)	(Provisional Variance-Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

Pursuant to Section 35(b) of the Environmental Protection Act (Act) (415 ILCS 5/35(b)), the City of Joliet has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow the City of Joliet to continue operating during a period of repairs to its wastewater treatment facility. Such request for a provisional variance and the Notification of Recommendation were filed with the Board by the Agency on Wednesday, October 18, 1995. Pursuant to Section 35(b) of the Act, the Board must issue the variance within two (2) days of this filing.

Pursuant to Section 35(b) of the Environmental Protection Act (Act) (415 ILCS 5/35(b)), the Agency, by and through its Director, Mary A. Gade, seeks a provisional variance for the City of Joliet in order to allow it to continue operating during a period of repairs to the air diffusers and associated piping located in the aeration basins at its wastewater treatment facility.

Specifically, the Agency recommends that we grant the City of Joliet a (forty-five) 45 day provisional variance for its facility located in Will County, from the requirements pertaining to ammonia nitrogen and NPDES effluent standards as set forth in 35 Ill. Adm. Code 302.212 and 304.141, for the period beginning when the City of Joliet takes the first aeration basin out of service and continuing for a period not longer than forty-five (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 finds that a denial of the requested provisional variance would create an arbitrary or unreasonable

hardship on the petitioner.

Provisional variances are by their very nature temporary. The responsibilities of the Agency and the Board in these short-term provisional variances are different from the responsibilities in standard variances. (See 415 ILCS 5/35 (b) & 36(c)). In provisional variances it is the responsibility of the Agency to make the technical determinations and finding of arbitrary or unreasonable hardship. The Board's responsibility is to adopt a formal order, to assure the formal maintenance of the record, to assure the enforceability of the variance, and to provide notification of the action by a press release.

Having received the Agency recommendation finding that a denial of the requested relief would impose an arbitrary or unreasonable hardship, the Board hereby grants the City of Joliet a provisional variance from 35 Ill. Adm. Code 302.212 and 304.141, on the following conditions:

1. The variance shall commence on the date when the City of Joliet takes the first aeration basin out of service and continue for a period not longer than forty-five (45)-days, which ever occurs first;
2. The petitioner shall notify Erin Rednour of the Agency's Springfield Regional office by telephone, at 217/782-9720, when the first basin is removed from service and again when the project is completed. The petitioner shall confirm each of these activities in writing within five (5) days, addressed as follows:

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

Attention: Erin Rednour

3. During this provisional variance, the City of Joliet shall operate its wastewater treatment facility so as to produce the best effluent practicable. Additionally, the City of Joliet shall perform the necessary repairs as expeditiously as possible so as to minimize the period of time that the aeration basins are out of service;
4. During this provisional variance, the City of Joliet shall meet monthly concentration average effluent limits of 4.5 milligrams per liter and shall not be subject to a daily maximum concentration for ammonia nitrogen while this provisional variance is in effect;

5. During this provisional variance, the City of Joliet shall continue to monitor and maintain compliance with all other parameters as addressed in NPDES Permit No. IL0033553.

The City of Joliet shall execute a copy of a Certificate of Acceptance of this provisional variance and forward that copy to the Agency addressed as is the written notice required in the above condition; the petitioner shall forward that copy within ten (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 96-83, October 19, 1995.

Petitioner

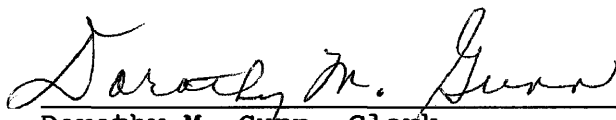
Authorized Agent

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 19th day of October, 1995, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board