

ILLINOIS POLLUTION CONTROL BOARD
November 5, 1998

CITY OF DUQUOIN,)	
)	
Petitioner,)	
)	
v.)	PCB 99-58
)	(Provisional Variance - Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On November 4, 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 this Perry County petitioner to repair the primary trickling filter at its wastewater treatment plant. 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 the limits for ammonia nitrogen, five-day carbonaceous biochemical oxygen demand (CBOD), and total suspended solids (TSS) set forth in 35 Ill. Adm. Code 302.212, 304.141(a) and 304.120. 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 (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 October 7, 1998 and end on November 21, 1998, subject to the following conditions:

1. During the variance period, petitioner shall meet the monthly average effluent concentration limit of 30 milligrams/liter (mg/l) and daily maximum concentration limits of 45 mg/l for CBOD and TSS. The ammonia nitrogen limitations during the variance shall be 15 mg/l, as a monthly average, and 20 mg/L, as a daily maximum. Petitioner shall sample for these parameters three days per week.
2. Petitioner shall notify Barb Conner of the Agency's Springfield regional office by telephone at 217/782-9720 when repairs on the wastewater treatment plant

are completed. Written confirmation shall be sent within five days to the following address:

Illinois Environmental Protection Agency
Bureau of Water - Compliance Assurance Section
Attention: Barb Conner
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

- 3. During the variance period, petitioner shall operate its wastewater treatment facility to produce the best effluent practicable.
- 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 99-58 dated November 5, 1998.

Petitioner

Authorized Agent

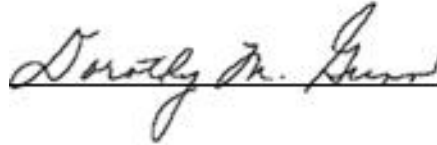
Title

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 5th day of November 1998 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