

ILLINOIS POLLUTION CONTROL BOARD  
May 19, 1994

|                        |   |                        |
|------------------------|---|------------------------|
| CITY OF GREENFIELD,    | ) |                        |
|                        | ) |                        |
| Petitioner,            | ) |                        |
|                        | ) |                        |
| v.                     | ) | PCB 94-154             |
|                        | ) | (Provisional Variance) |
| 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 Greenfield has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow the City of Greenfield to continue operating during a period of wastewater treatment plant modifications. Such request for a provisional variance and the Notification of Recommendation was filed with the Board by the Agency on Wednesday, May 18, 1994. 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 Illinois Environmental Protection Agency (Agency), by and through its Director, Mary A. Gade, seeks a provisional variance for the City of Greenfield in order to allow it to continue operating during a period of wastewater treatment plant modifications.

Specifically, the Agency recommends that we grant City of Greenfield a forty-five (45)-day provisional variance for its Greene County facility from the effluent limitations as set forth in 35 Ill. Adm. Code 304.120(a) and 304.141(a) for a period forty-five (45) days when the petitioner begins modifications to its wastewater treatment plant, by removing cell #2 of their lagoon from service, and continuing until the petitioner returns that unit to service, 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 modifications 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 petitioner a provisional variance from 35 Ill. Adm. Code 304.120(a) and 304.141(a), on the following conditions:

1. The term of this provisional variance shall commence when the petitioner, the City of Greenfield, initiates modifications to its wastewater treatment plant, by removing cell #2 of their lagoon from service, and it shall expire on the date the petitioner completes the required maintenance work, or after forty-five (45) days have elapsed, whichever comes first;

2. The petitioner shall notify John Wells of the Agency's Springfield Regional office by telephone, at 217/786-6892, when it removes cell #2 of their lagoon from service and when it returns the unit to service, and the petitioner shall confirm this notice in writing within five (5) 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: Mark T. Books

3. The petitioner shall operate its wastewater treatment plant so as to produce the best effluent practicable. Only one cell of the lagoon system shall be shut down at a time for the necessary work; and

4. The petitioner shall perform the necessary maintenance and modification work as expeditiously as possible to minimize the time period that cell #2 of the lagoon needs to be out of service; and

5. During the term of this provisional variance, the

effluent from the petitioner's treatment plant shall not exceed concentrations of 55 mg/l CBOD<sub>5</sub> and 80 mg/l TSS on a monthly average basis; and

6. 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 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 94-154, May 19, 1994.

\_\_\_\_\_  
Petitioner

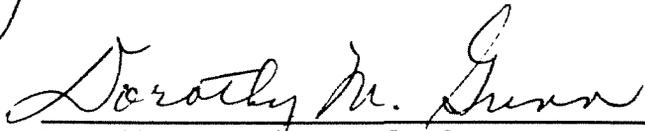
\_\_\_\_\_  
Authorized Agent

\_\_\_\_\_  
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 May, 1994, by a vote of 6-0.

  
\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board