

ILLINOIS POLLUTION CONTROL BOARD
February 6, 1992

GENERAL TIRE,)	
MT. VERNON PLANT,)	
)	
Petitioner,)	
)	
v.)	PCB 92-21
)	(Provisional Variance)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J.C. Marlin):

This matter comes before the Board on receipt of an Agency Recommendation dated February 5, 1992. The recommendation refers to a request from Petitioner, General Tire, Mt. Vernon Plant, for a provisional variance for its Jefferson County facility from the suspended solids (TSS) effluent requirements for its stormwater discharge from Outfall 001C, as set forth in 35 Ill. Adm. Code 304.120(c) and 304.141(a), for the period from the date of the variance request, i.e., January 29, 1992, through two weeks after the date upon which the ongoing construction project at its plant is completed, 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 finds that a denial of the requested provisional variance would create an arbitrary and unreasonable hardship on the Petitioner.

The responsibilities of the Agency and the Board in these short-term provisional variances are different from the responsibilities in standard variances. See Ill. Rev. Stat. 1989, ch. 111½, pars. 1035(b) & (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 and unreasonable hardship, the Board hereby grants Petitioner a

provisional variance from 35 Ill. Adm. Code 304.120(c) and 304.141(a), as these provisions relate to stormwater discharges from Petitioner's Outfall 001C, on the following conditions:

1. The term of this provisional variance shall commence on the date of the variance request, i.e., January 29, 1992, through two weeks after the date upon which the ongoing construction project at its plant is completed, but not for longer than 45 days;

2. The Petitioner shall notify Byron Marks of the Agency's Marion Regional office by telephone, at 618-997-4392, when the construction is completed at its plant, 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: Mark T. Books

3. The Petitioner shall sweep the parking area once per week, the Petitioner shall lay down straw within the general construction areas, and the Petitioner shall provide the best control possible for dirt and mud at the construction site so as to minimize the amount of total suspended solids discharged during the term of this provisional variance; 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 the written notice required in the above condition; 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 92-21, February 6, 1992.

Petitioner

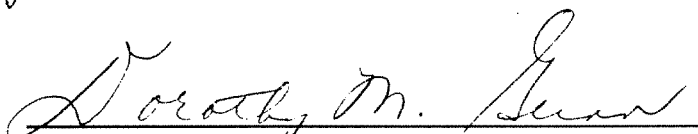
Authorized Agent

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
6th day of February, 1992, by a vote of
6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board