

ILLINOIS POLLUTION CONTROL BOARD
February 3, 2000

CITY OF GRANITE CITY,)
)
 Petitioner,)
)
 v.) PCB 00-130
) (Provisional Variance - Water)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

On February 1, 2000, 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 Madison County petitioner to complete structural repairs to the combined overflow treatment system (COT) at its wastewater treatment plant. On September 23, 1999, the Board granted the petitioner a 45-day provisional variance in PCB 00-47 for the same reasons requested in this matter. 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 extension from the excess flow limits set forth in 35 Ill. Adm. Code 304.121(a), 304.125(a), and 304.141(a) and National Pollutant Discharge Elimination System Permit No. IL0033481. 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) (1998)), the Board must issue the provisional variance within two days of the filing.

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

1. The variance shall begin January 25, 2000, and continue for 45 days;
2. During the variance period, the petitioner shall operate its wastewater treatment facility in such a manner so as to produce the best effluent practicable;
3. Petitioner shall notify Barb Conner of the Agency by telephone at 217/782-9720 if bypassing of the COT flows is required and when repairs on the wastewater treatment facility are completed. Written confirmation of each notice 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

- 4. Within ten days of the date of the Board's order, the petitioner shall execute a certificate of acceptance and agreement which shall be sent to Barb Connor at the address indicated above. 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 00-130 dated February 3, 2000.

Petitioner

Authorized Agent

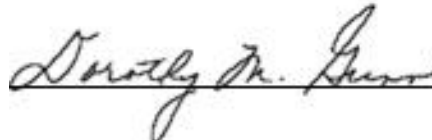
Title

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 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 3rd day of February 2000 by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board